By Mr. SUTHERLAND: Papers to accompany a bill granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

Also, papers to accompany a bill granting a pension to John B. Raines; to the Committee on Pensions.

By Mr. WILLIAMS: Petitions of sundry citizens of Illinois relative to House joint resolution 282, to investigate claims of Dr. F. A. Cook to be discoverer of the North Pole; to the Committee on Naval Affairs.

Also, petition of officers of Local Union No. 598, United Mine Workers of America, of Lincoln, Ill., favoring clause exempting labor unions, etc., of the Clayton antitrust bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *August 19, 1914.*

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we can not be indifferent to the confusion of the world. While we enjoy the peace and prosperity of our own beloved land we can not but be reminded of the fearful consequences and widespread desolation that must follow the conflict across the seas. We lift our hearts to Thee for those nations involved. We pray especially for those who must bear the brunt of the struggle. Grant a speedy and permanent settlement of their difficulties in the way that Thou shalt choose. Unite the interests of men, and hasten the glad era of peace and sympathy and brotherhood, when men "shall beat their swords into plowshares and their spears into pruning hooks, and nation shall not lift up the sword against nation, neither shall they learn war any more." We plead for this in the name of the Prince of Peace. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 11, 1914, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF MRS. WOODROW WILSON.

The VICE PRESIDENT. The Chair has received a card from the President addressed to the Members of the Senate of the United States, which will be read.

The Secretary read as follows:

The President and the members of his family greatly appreciate your gift of flowers and wish to express their sincere gratitude for your sympathy.

RIVER AND HARBOR IMPROVEMENTS (S. DOC. NO. 565).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 7th instant, information relative to the aggregate amount of money required for the proper maintenance of existing river and harbor projects for the fiscal year ending June 30, 1915, etc., which, on motion of Mr. BURTON, was ordered to lie on the table and be printed.

TRANSFER OF VESSELS FROM COASTWISE TRADE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 4th instant, a copy of a letter and inclosure from the collector of customs at Philadelphia and of a telegram from the collector of customs at New York, giving further information as to the coastwise vessels available for foreign trade, which, with the accompanying papers, was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to a resolution of the 4th instant, an additional telegram from the collector of customs, San Francisco, Cal., and a copy of an additional letter from the collector of customs, New York City, N. Y., together with an inclosed letter of the A. H. Bull Steamship Co., relative to vessels now in the coastwise trade which the owners would use in over-sea foreign trade in the present emergency, which, with the accompanying papers, was ordered to lie on the table.

GENERAL EDUCATION BOARD AND CARNEGIE FOUNDATION.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, stating, in response to a resolution of the 5th instant, that no employees of the Post Office Department are paid salaries in whole or in part out of funds contributed by the General Education Board of the Rockefeller Foundation and the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Agriculture, stating, in response to a resolution of the 5th instant, that there are no employees in the Department of Agriculture whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Commerce, stating, in response to a resolution of the 5th instant, that no persons in the Department of Commerce are paid in whole or in part with funds contributed by either the General Education Board of the Rockefeller Foundation or the Carnegie Foundation, which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of Labor, stating, in response to a resolution of the 5th instant, that the Department of Labor has no relations whatever with the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation, and that no persons in that department are paid in whole or in part with funds contributed by either of these foundations, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6116) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 654. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes;

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; and

S. J. Res. 178. Joint resolution granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of South Norwalk, Conn., Washington, D. C., and Ness City, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Keota and Odebolt, in the State of Iowa; of East Liverpool and Attica, in the State of Ohio; and of Oakland, Cal., Francesville, Ind., Alton, Ill., and Gainesville, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Douglas, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CULBERSON. I present a letter in the shape of a petition and ask that it may be read.

There being no objection, the letter was read, as follows:

DALLAS, TEX., *August 15, 1914.*

Hon. CHARLES A. CULBERSON,
Washington, D. C.

DEAR SENATOR: Telegraphic advices announce President Wilson's disapproval of the American bankers' plan to float loans for the benefit of belligerent countries of Europe. That is good, and I hope his views will prevail.

Now, induce him to go a step further and place an embargo on the exportation of foodstuffs. You, of course, are fully apprised of the enormous jump in prices of food commodities since August 1. There have been no excessive exportations since August 1, consequently the supply in the United States must be greater to-day than on August 1, and yet prices are steadily advancing, and in advancing have curtailed consumption, further augmenting the supply.

From my viewpoint this Government owes nothing to the foreign nations, but everything to its own people. If an embargo should be placed upon foodstuffs, necessarily the firms who have gathered in the outputs of the farmers will find themselves confronted with the proposition to either hold it at a loss or sell at a fair profit. That they would unload, it seems a fair assumption, since the rate of interest having also advanced they will find themselves unable to cope with an embargo and the dearer money.

In this connection, if you will pardon the suggestion, while the Reserve Board and the Treasury are making every effort to furnish bankers of the country with money, they should also determine the maximum rate of interest it should be let at. Already the bankers in the large cities have raised the rate from 5 per cent to 7½ and 8 per cent. The bankers of Texas, so far as I understand, are holding to their normal rates. How long, though, they can withstand the position taken by the northern and eastern bankers is to be determined. It would be safe to conjecture, however, that as a mere matter of protection to themselves from overdemands they, too, will have to raise their rates. Whatever the case, the fact remains that it is an injustice to the very class the Government is seeking to aid—the producing class and the commercial interests dependent upon it.

With Government money at 2 per cent, secured with commercial paper at 75 per cent of its par value and reloaned at 6 and 8 per cent, or even better, we have a pyramiding process, and it is wrong.

The inability of the South to export its cotton as under ordinary circumstances will throw perhaps 7,000,000 bales on the country as a surplus, which surplus will unquestionably establish the price and value of the rest, to further depress the value of next year's crop. The South, therefore, will get approximately 50 per cent for its output, or, in other words, will receive a depreciated dollar, and, in addition, unless the exportation of foodstuffs is stopped and high prices are checked, she will pay 25 to 33⅓ per cent more for her provisions and be worsted all along the line, for her dollar under such adjustment will purchase about 35 per cent of commodities as under the conditions prior to the foreign war.

There is absolutely no sound reason why prices of commodities should advance. It is one of those unhappy "psychological" displays of man's greed which needs to be flattened out quickly.

I submit this for whatever consideration you may deem it worth.

Believe me, sir,

Yours, most obediently, JOHN SEVIER ALDEHOFF.

Mr. GRONNA presented petitions of sundry citizens of Hettinger, Rudser, and Napoleon, all in the State of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the Foreign Missionary Society, the Woman's Home Missionary Society, and the Methodist Camp Meeting, of Plainville, Conn., and of the Methodist Episcopal Society and of the Baptist Society of Bantam, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMOOT. I received this morning from Philadelphia a telegram from the National Association of Retail Druggists in relation to House bill 6282. I ask that it may be read.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

PHILADELPHIA, PA., *August 18, 1914.*

Hon. REED SMOOT,
United States Senate, Washington, D. C.:

The National Association of Retail Druggists, in convention assembled, protests against the enactment into law of House bill 6282 in its present form. We approve your protest against withdrawing the words on page 5, after line 2, by which exemption is granted to physicians, dentists, and veterinarians. We most emphatically declare that in its present form the bill is misleading and will not to any material extent remedy the evils at which it is aimed. We urgently request that the Senate recall the bill and place all distributers of narcotics on an equal basis, and not allow the American people to be humbugged with such a bill as the present is.

THE NATIONAL ASSOCIATION OF RETAIL DRUGGISTS.

Mr. CUMMINS. I present a petition signed by many hundreds of the citizens of my State, praying Congress to give Dr. Frederick A. Cook an opportunity to prove that he discovered the North Pole, and, upon proof of that fact, to extend to him a proper and suitable recognition. I move that the petition be referred to the Committee on the Library.

The motion was agreed to.

Mr. THOMPSON presented petitions of sundry citizens of Everest, Troy, Salina, Norton, Formoso, Osborne, Colby, Wallace, Belleville, Selden, and Mankato, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of the Grain Exchange of Omaha, Nebr., praying for the enactment of legislation to admit foreign-built and foreign-manned vessels to American registry, which was ordered to lie on the table.

He also presented a petition of sundry citizens of North Platte, Nebr., praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was ordered to lie on the table.

He also presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called Clayton antitrust bill, which was ordered to lie on the table.

He also presented a petition of Local Union No. 120, International Brotherhood of Bookbinders, of Lincoln, Nebr., and a petition of Local Union No. 57, International Brotherhood of Bookbinders, of Omaha, Nebr., praying for the passage of the so-called Clayton antitrust bill, which were ordered to lie on the table.

Mr. BURLEIGH presented a petition of sundry citizens of Waldo, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of sundry citizens of San Francisco, Cal., remonstrating against the passage of the Clayton antitrust bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Clovis and Mount Hermon, in the State of California, praying for the enactment of legislation to provide Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of the Chamber of Commerce of San Bernardino, Cal., praying that Congress obtain control of the Colorado River to prevent overflow of the Imperial and Yuma Valley lands, which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. THORNTON presented petitions of sundry citizens of Louisiana, praying for the passage of the river and harbor bill, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of J. N. Johnson, principal of the Columbian School, and D. P. Barngrover, principal of the Meridian School, and of 116 other citizens of Kokomo, Ind., praying for the enactment of legislation looking to the adjustment of the contention for the discovery of the North Pole, which were referred to the Committee on the Library.

He also presented the memorials of August Haller, Henry Grimm, Henry J. Wolf, and 10 other citizens of Evansville, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of the Chamber of Commerce of Greenville, Miss., praying for the enactment of legislation to provide financial assistance to the cotton growers of the country, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BRADY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4920) to increase the cost of construction of Federal building at Pocatello, Idaho, reported it without amendment and submitted a report (No. 754) thereon.

Mr. MYERS, from the Committee on Indian Affairs, to which was recommitted the bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796), reported it with an amendment and submitted a report (No. 750) thereon.

He also, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 6202. An act to repeal an act entitled "An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes" (Rept. No. 753);

H. R. 11840. An act for the relief of R. G. Arrington (Rept. No. 751); and

H. R. 16296. An act to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives (Rept. No. 752).

CATCHING OF WHALES IN ALASKAN WATERS.

Mr. THORNTON. On behalf of the Committee on Fisheries, I ask to have taken from the calendar Order of Business 584, being the bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska, and that the bill be recommitted to the Committee on Fisheries.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on Fisheries.

FORT BRIDGER MILITARY RESERVATION, WYO.

Mr. CLARK of Wyoming. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation in Wyoming, and I submit a report (No. 755) thereon. It is a very short bill and entirely local in its application, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWS OF ALASKA.

Mr. PITTMAN. From the Committee on Territories I report back favorably without amendment the bill (H. R. 11740) to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, and I submit a report (No. 749) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let the bill be reported.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that nothing in that act of Congress entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 6340) for the relief of James M. Morgan; to the Committee on Claims.

By Mr. LEA of Tennessee:

A bill (S. 6342) to appropriate $10,000 to build a hotel at Shiloh National Military Park, in the State of Tennessee; and

A bill (S. 6343) for the relief of John Patrick; to the Committee on Military Affairs.

A bill (S. 6344) for the relief of George Braden (with accompanying papers); to the Committee on Claims.

A bill (S. 6345) granting an increase of pension to Augustus Joyeux; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6346) granting a pension to John W. Stults (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6347) granting a pension to Edward J. Gainan; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6348) for the relief of certain desert-land entrymen; to the Committee on Public Lands.

A bill (S. 6349) to make the Federal reserve notes issued by the United States full legal tender for the payment of all debts, public and private; to the Committee on Banking and Currency.

A bill (S. 6350) granting an increase of pension to Elizabeth Scott; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6351) granting an increase of pension to George H. Lewis; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6352) granting an increase of pension to James M. Tackett; to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 6353) granting an increase of pension to Albert F. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6354) granting an increase of pension to Hester Morse;

A bill (S. 6355) granting an increase of pension to Frank S. Milcham; and

A bill (S. 6356) granting an increase of pension to David M. Hilton; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 6358) granting an increase of pension to Mary T. Ryan; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 182) to appropriate $6,000 to defray the expenses of the United States rifle team to the Pan-American shooting tournament at Lima, Peru, December 9 to 24, 1914; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 183) for control and distribution of the flood waters of the Rio Grande; to the Committee on Irrigation and Reclamation of Arid Lands.

GRAIN WAREHOUSES.

Mr. GORE. I introduce a bill to authorize the Secretary of Agriculture to license grain warehouses, and for other purposes. I desire to call the attention of Senators from grain-growing and grain-marketing States to this measure, and ask them to take it under consideration at once.

The bill (S. 6339) to authorize the Secretary of Agriculture to license grain warehouses, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

SALE OF EUROPEAN WAR BONDS.

Mr. HITCHCOCK. I desire to introduce a bill concerning the reference of which I am in some doubt. It is a bill to prohibit the sale or offering for sale or the purchase or delivery in the United States of bonds or securities issued by Governments at war and issued since the war began. I think it is important that there should be some legislation on this subject, that the matter should not be left to mere Executive discretion, and that the United States should adopt a definite policy not only in the interest of peace to supply no funds to countries at war while the war is in progress, but also to keep at home the capital which may otherwise be drained to foreign countries during a war. I shall ask that the bill be referred to the Committee on Foreign Relations, as it relates to neutrality.

The bill (S. 6341) to prohibit the sale in the United States of certain bonds issued by foreign Governments engaged in war was read twice by its title and referred to the Committee on Foreign Relations.

BUREAU OF WAR RISK INSURANCE.

Mr. CLARKE of Arkansas. I ask to introduce an emergency bill, for the purpose of having it referred to the Committee on Commerce. I also ask that it may be printed in the RECORD without being read.

The bill (S. 6357) to authorize the establishment of a bureau of war risk insurance in the Treasury Department was read twice by its title and referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

A bill (S. 6357) to authorize the establishment of a bureau of war risk insurance in the Treasury Department.

Whereas the foreign commerce of the United States is now greatly impeded and endangered through the absence of adequate facilities for the insurance of American vessels and their cargoes against the risks of war; and

Whereas it is deemed necessary and expedient that the United States shall temporarily provide for the export shipping trade of the United States adequate facilities for the insurance of its commerce against the risks of war: Therefore

Be it enacted, etc., That there is hereby established in the Treasury Department a bureau to be known as the bureau of war risk insurance, the director and employees of which shall be appointed by the Secretary of the Treasury; the salary of the director shall be $6,000 per annum, and the salaries of the other employees shall be fixed by the Secretary of the Treasury, but in no case to exceed $5,000 per annum for any employee: *Provided*, That all employees receiving a salary of $3,000 per annum or less shall be subject to the civil-service laws and regulations thereunder.

SEC. 2. That the said bureau of war risk insurance, subject to the general direction of the Secretary of the Treasury, shall, as soon as practicable, make provisions for the insurance of American vessels, and cargoes shipped or to be shipped therein, against loss or damage by the risks of war, wherever it shall appear to the Secretary that American vessels or shippers in American vessels are unable in any trade to secure adequate war-risk insurance on terms of substantial equality with the vessels or shippers of other countries because of the protection given such vessels or shippers by their respective Governments through war-risk insurance.

SEC. 3. That the bureau of war risk insurance, with the approval of the Secretary of the Treasury, is hereby authorized to adopt and publish a form of war-risk policy, and to fix reasonable rates of premium for the insurance of American vessels and their cargoes against war risks, which rates shall be subject to such change, to each country and for each class, as the Secretary shall find may be required by the circumstances. The proceeds of the aforesaid premiums when received shall be covered into the Treasury of the United States.

SEC. 4. That the bureau of war risk insurance, with the approval of the Secretary of the Treasury, shall have power to make any and all rules and regulations necessary for carrying out the purposes of this act.

SEC. 5. That the Secretary of the Treasury is authorized to establish an advisory board, to consist of three members skilled in the practices of war risk insurance, for the purpose of assisting the bureau of war risk insurance in fixing rates of premium and in adjustment of claims for losses; the compensation of the members of said board to be determined by the Secretary of the Treasury. In the event of disagreement as to the claim for losses, or amount thereof, between the said bureau and the parties to such contract of insurance, an action on the claim may be brought against the United States in the district court of the United States, sitting in admiralty, in the district in which the claimant or his agent may reside.

SEC. 6. That the director of the bureau of war risk insurance, upon the adjustment of any claims for losses in respect of which no action shall have been begun, shall, on approval of the Secretary of the Treasury, promptly pay such claim for losses to the party in interest; and the Secretary of the Treasury is directed to make provision for the speedy adjustment of claims for losses and also for the prompt notification of parties in interest of the decisions of the bureau on their claims.

SEC. 7. That for the purpose of paying losses accruing under the provisions of this act there is hereby appropriated, out of any money

in the Treasury of the United States not otherwise appropriated, the sum of $5,000,000.

SEC. 8. That there is hereby appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the bureau of war risk insurance, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $100,000.

SEC. 9. That the President is authorized to suspend the operation of this act whenever he shall find that the necessity for further war-risk insurance by the Government has ceased to exist.

SEC. 10. That this act shall take effect from and after its passage.

PROPOSED ANTITRUST LEGISLATION.

Mr. KENYON submitted an amendment intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which was ordered to lie on the table and be printed.

SECURITIES OF COMMON CARRIERS.

Mr. WHITE submitted an amendment intended to be proposed by him to the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, which was ordered to lie on the table and be printed.

BLACK WARRIOR RIVER IMPROVEMENT.

Mr. BANKHEAD. I call up from the table Senate joint resolution 181, authorizing the Secretary of War to permit the contractor for building locks on Black Warrior River to proceed with the work without interruption to completion.

Mr. BURTON. What measure is that?

Mr. SMOOT. I will ask the Senator if it is a joint resolution?

Mr. BANKHEAD. It is.

Mr. SMOOT. Then it will have to go to the committee.

Mr. BANKHEAD. Not necessarily.

Mr. SMOOT. Absolutely. The rule so provides. If it were a Senate resolution, it could be acted upon by unanimous consent, but this is a joint resolution, and it must be referred.

Mr. BANKHEAD. I am asking the Senate to consider the joint resolution and pass it.

Mr. SMOOT. It is just the same as a bill, and all bills must be referred.

The VICE PRESIDENT. If there is objection, the joint resolution will have to go to the committee. It will be referred to the Committee on Commerce.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on August 18, 1914, approved and signed the following act:

S. 110. An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes.

TRAFFIC IN OPIUM.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMAS. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SIMMONS, Mr. WILLIAMS, Mr. THOMAS, Mr. MCCUMBER, and Mr. SMOOT conferees on the part of the Senate.

LANDS IN DENVER, COLO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes, which were, on page 5, line 17, to strike out "grant" and insert "sale," and on page 5, line 17, to strike out "made" and insert "authorized."

Mr. THOMAS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

STEAM LAUNCH "LOUISE."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, which was, on page 1, line 9, after "Government," to strike out all down to and including "Republic," in line 12.

Mr. STONE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TENNESSEE RIVER BRIDGE, ALABAMA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala., which were, on page 1, line 3, after "Bryan," to insert "Henry"; on page 1, line 4, to strike out ", when authorized by the State of Alabama"; and to amend the title so as to read: "An act to authorize Bryan Henry and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala."

Mr. BANKHEAD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

COTTON WAREHOUSES.

The VICE PRESIDENT. Morning business is closed.

Mr. SMITH of Georgia. Mr. President, I wish to call the attention of the Senate to the bill (S. 6266) to authorize the Secretahy of Agriculture to license cotton warehouses, and for other purposes. It is an emergency measure, and I ask unanimous consent that it may be considered at this time.

Mr. SMOOT. I will ask the Senator from Georgia to let the bill go over for to-day. I have another matter which I want to look into in connection with the bill, and if the Senator will allow the bill to go over I shall be very much obliged to him.

Mr. SMITH of Georgia. Then I will wait until to-morrow, when I shall try to get the bill considered.

Mr. SMOOT. Very well.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. CULBERSON. I make the suggestion that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The pending amendment is an amendment of the committee, in section 7, page 7, line 12, to strike out the word "consumers."

Mr. OVERMAN. Mr. President, I voted to strike from the bill section 2 and section 4. Certain Senators were absent from the Senate when the motions were carried eliminating those sections. While I still favor striking those sections from the bill, at their request I make the motion to reconsider the votes by which that was done, and ask that the motion go over until the conclusion of the consideration of the committee amendments, then to be taken up. In order to be within my parliamentary rights I make the motion to-day to reconsider the votes by which those two sections were stricken from the bill.

The VICE PRESIDENT. Does the Senator from North Carolina move to reconsider the vote to which he refers, or does he enter a motion to reconsider?

Mr. OVERMAN. I enter the motion to reconsider.

Mr. REED. To reconsider the vote by which section 2 and section 4 were agreed to?

Mr. OVERMAN. Yes.

Mr. REED. The form which the Senator's motion takes is to enter a motion to reconsider?

Mr. OVERMAN. I enter a motion to reconsider the vote. The understanding is that the motion is not to be taken up at this time, because I wish the Senate to go on with the bill. I repeat, I am still in favor of striking those sections from the bill, but some Senator who voted in favor of striking them out will have to enter the motion to reconsider. I therefore enter the motion to-day, in order that I may not lose my right to do so.

Mr. REED. Very well. I desire to call up the matter to-morrow.

The VICE PRESIDENT. The question is on striking out the word "consumers" in line 12, page 7, section 7, of the bill as reported by the committee. [Putting the question.] The noes seem to have it.

Mr. CULBERSON. I call for a division.

The VICE PRESIDENT. All in favor of striking out the word "consumers" will rise. [A pause.] All those opposed will rise. [A pause.] The amendment is agreed to.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from Tennessee [Mr. SHIELDS], and therefore withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that general pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. GALLINGER (when his name was called). I transfer my general pair with the junior Senator from New York [Mr. O'GORMAN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GORE (when his name was called). I have a pair with the junior Senator from Wisconsin [Mr. STEPHENSON], and therefore withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. Not seeing him in the Chamber, I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I am requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. If permitted to vote, I should vote "yea." If it should develop that my vote is necessary to make a quorum, I will take the liberty of voting.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably detained from the Chamber. He has a general pair with the senior Senator from Florida [Mr. FLETCHER]. I make this announcement for this legislative day.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I ask that this announcement may stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. LEA of Tennessee (after having voted in the affirmative). I neglected to announce my pair when I voted. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Illinois [Mr. LEWIS], and will let my vote stand.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. CHILTON. I desire to inquire whether the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. CHILTON. I have a pair with that Senator, and in his absence I withhold my vote.

Mr. GRONNA. I desire to inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. GRONNA. I transfer my pair with that Senator to the Senator from California [Mr. WORKS] and vote "nay."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. DILLINGHAM. I withdraw my vote, having a general pair with him.

Mr. GALLINGER. I am requested to announce the pairs between the Senator from New Mexico [Mr. CATRON] and the Senator from Oklahoma [Mr. OWEN] and between the Senator from Michigan [Mr. TOWNSEND] and the Senator from Arkansas [Mr. ROBINSON].

I will also state that the junior Senator from Maine [Mr. BURLEIGH] is necessarily detained from the Senate, and that the junior Senator from Vermont [Mr. PAGE] is detained at his home because of serious illness in his family. I will let this statement stand for the day.

The result was announced—yeas 38, nays 14, as follows:

YEAS—38.

Ashurst	Hughes	Pomerene	Swanson
Bankhead	James	Ransdell	Thompson
Borah	Kern	Reed	Thornton
Bryan	Lea, Tenn.	Shafroth	Vardaman
Burton	Martin, Va.	Sheppard	Walsh
Camden	Nelson	Shively	Weeks
Culberson	Newlands	Simmons	West
Cummins	Overman	Smith, Ga.	White
Hitchcock	Perkins	Sterling	
Hollis	Pittman	Stone	

NAYS—14.

Bristow	Jones	McCumber	Smoot
Clark, Wyo.	Kenyon	Martine, N. J.	Williams
Gallinger	Lane	Norris	
Gronna	Lippitt	Poindexter	

NOT VOTING—44.

Brady	du Pont	Myers	Smith, Ariz.
Brandegee	Fall	O'Gorman	Smith, Md.
Burleigh	Fletcher	Oliver	Smith, Mich.
Catron	Goff	Owen	Smith, S. C.
Chamberlain	Gore	Page	Stephenson
Chilton	Johnson	Penrose	Sutherland
Clapp	La Follette	Robinson	Thomas
Clarke, Ark.	Lee, Md.	Root	Tillman
Colt	Lewis	Saulsbury	Townsend
Crawford	Lodge	Sherman	Warren
Dillingham	McLean	Shields	Works

So the amendment of the committee was agreed to.

BLACK RIVER BRIDGE, MISSOURI.

Mr. SHEPPARD. Out of order I ask permission to report back favorably from the Committee on Commerce the bill (S. 6315) to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River, and I call the attention of the Senator from Missouri [Mr. REED] to the report.

Mr. REED. Mr. President, I ask unanimous consent for the present consideration of the bill. It simply provides for the construction of a bridge out in my State, and there are some reasons to get it through at once. It is an absolutely unimportant measure except as it is important to the particular locality affected by it.

Mr. CLARK of Wyoming. Mr. President, can that be done without laying aside the regular order of business?

The VICE PRESIDENT. The Chair does not see how it can be done without laying aside the pending bill. It can be laid aside by unanimous consent, of course.

Mr. REED. It was done yesterday by unanimous consent.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. CULBERSON. Mr. President, I am perfectly willing to yield for the consideration of the bill, since the Senator from Missouri says it is an emergency measure.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ANTITRUST LEGISLATION.

Mr. MCCUMBER. Mr. President, a parliamentary inquiry. I desire to ask whether or not the status of the bill is such that I can move at this time to strike out section 7?

The VICE PRESIDENT. Not until the committee amendments have been disposed of, in the opinion of the Chair.

Mr. MCCUMBER. Is the bill before the Senate now?

The VICE PRESIDENT. The opinion of the Chair is that, as the unfinished business was laid aside and consent was given to take up the bill in which the Senator from Missouri was interested, technically speaking the trust bill is not before the Senate until permission has been obtained to put it before the Senate again.

Mr. CULBERSON. Mr. President, I ask that the bill may be presented to the Senate for consideration. I desire to say in this connection that, it being clearly against the spirit of the rule, in my judgment, I must refrain from consenting to lay it aside for the consideration of emergency measures while the bill is pending.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 7, line 13, it is proposed to strike out the words "orders, or associations."

Mr. McCUMBER. Mr. President, what I have to say upon this bill may as well be said upon this amendment as upon any other particular feature, and I shall ask the attention of the Senate for a very few moments only.

David, the Psalmist, says:

> Nevertheless, they did flatter me with their mouths and lied unto me with their lips.

For the benefit of Senators generally I will say that that language will be found in the Seventy-eighth Psalm, at the thirty-sixth verse. I quote it because I consider that it is exceedingly applicable to the bill now under consideration.

Mr. President, on the 4th day of July, 1776, a band of patriots had gathered in this land. They were the wise men of their day. They were the great scholars and philosophers of their time. They lived in the morn of a great political awakening, when the divine rights of kings were being questioned and the God-given rights of man were being proclaimed.

If, on the one hand, they were lacking in many acquirements which modern science and progress have opened to the human mind, they had escaped, on the other hand, the thousands of questions which arise to vex us in our present advanced civilization, and therefore had the leisure to direct their research into the realms of governmental philosophy. They were versed in the history of the world. They knew the abuses of monarchial governments and the weaknesses of democracies. They were neither sycophants nor demagogues. They flattered neither the king nor the citizen.

They were met a great body of wise men on a solemn occasion. They were to lay the foundation of a new government. They were to place as its corner stone a mighty principle for which men could lay down their lives; and these were the words they wrote:

> We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life and liberty and the pursuit of happiness; that to secure these [equal] rights governments are instituted among men deriving their just powers from the consent of the governed.

That all men are created equal and endowed by their Creator with inalienable rights rang to the world the birth of a new principle that should thenceforth be the basis of all civil and political governments. The lowly toiler heard it and raised his head in the pride of his right. The Slavic serf heard it and raised his shackled arms for the blow that should sever his chains. The impulsive sons of France heard it and planted the tree of liberty which, though hacked and bruised, still spreads its sturdy branches to every political tempest. The world heard it and felt the heart throbs of a new inspiration. Around that mighty principle we rallied the patriotism of our colonial fathers. For that principle they suffered and died. Orators have proclaimed and scholars have expounded the meaning of those words, but none clearer than our own Lincoln, when he declared that they do not mean that we are equal in intelligence or character or color but in our rights—our equal rights—under the law.

For 138 years we have maintained a Government based upon the equality of each and every citizen. For 138 years we have maintained a Government based upon the principle that every law shall operate with equal force upon every person; that none shall be too powerful to be above the restrictions of the law and none too lowly to be deprived of its protection.

With that principle written upon our national banner and given expression in every legislative act since the beginning of our Government, our progress has astounded the world, and the success of our free Government has belied all the prophecies of the downfall of our republican form of government.

To-day, while monarchies and republics are in a death struggle in the Old World, while the issue of imperialism and democracy, militarism and nonmilitarism are reddening the plains of Europe with the blood of millions of men, we, the great exponent of individual equality of citizenship under the law, we who founded our Government on that principle, have taken the first backward step. We for the first time have declared to our own people and to the world that our laws shall not operate with equal force on all our people; that an act committed by one class or individual shall be an offense, but when committed by another class or individual shall not be an offense. We, the originators of the great principle, are the first to strike a blow to that principle of equality.

You excuse this on the ground that such legislation is in the interest of labor. I deny it. You say you are the friend of the laboring man. I say you are his worst enemy. He who proposes to give me rights that are not allowed to my fellow citizen is not my friend. He who flatters me with a declaration that I am entitled to rights not granted to every other citizen flatters me with his mouth and lies unto me with his lips. You know and I know that when I begin to exercise a right that is not accorded to my fellow citizen you outlaw me from the sympathy and good will of that citizen. You know that the sentiment of the people will not long stand for this principle of inequality. It is repugnant to human nature and doubly repugnant to the American idea.

Nor is this all. Human nature is the same in every walk of life. Privileges exercised by the titled aristocracy of France brought on the first French revolution, when the incessant stroke of the guillotine wiped out the recipients of special privileges. Class inequality can not long continue in this land; the American people will not stand for it, though you clothe it with legislative sanction. Mr. President, justice and equality are not the strongest impulses of the human heart. Selfishness preponderates over both. Justice and equality are maintained in the world only by laws which recognize and enforce them. Withdraw the law of equality and injustice will always prevail.

What is the duty of the Government toward the American laborer? The first duty is to so legislate and conduct the internal affairs of the Government and so regulate our commercial relations with foreign Governments as to give the greatest possible employment to American labor. Give the American laborer the American market and you will show him an act of true friendship a thousandfold more valuable to him than any special privilege could possibly ever be. Giving him rights or exempting him from obligations that are not accorded or exempted to others does not create a demand for the only thing he has to sell in the market—his skill and his strength.

There is no living man possessing ordinary human sentiments who does not want to speed the day when labor will reap its legitimate reward, its legitimate wage in every article produced by that labor; who will not wish to speed the day when inequalities between the several kinds of labor and between labor and business vocations generally shall be wiped away and when the only difference in the wage or earnings of all classes shall be measured by the time used in the preparation for the labor, the hours employed, and the skill required.

But you secure none of these by destroying the very life principle of our Government—equality under the law. I know there are a great many labor leaders who believe that they are solving all inequalities by securing exemptions from liabilities. It may be that some temporary advantage may be secured, but it will be temporary only. The legislator who says to a laboring man, "We have authorized you to do acts which we have made criminal when committed by others," flatters him to his injury.

There is no question here presented against organization of labor. Without this new law laborers have organized and still maintain their organization. Their rights are not dependent upon this law. They may do any lawful thing under the present law to effectuate their purpose and better the conditions of labor, both as to wages and as to conditions and environments. They can strike whenever they believe their wages are not sufficient. They can strike to shorten hours of labor. They can enforce every one of their just demands through organized effort.

I know there are those on this floor who insist that nothing else is secured by this act; but, Mr. President, no matter how cunningly devised, this bill does go further. It gives authority to destroy the property rights of others in order to enforce demands. If it does not do this, if it gives no rights in advance of what the law now gives, then why is it placed in this bill? If it does not do so, then it is a piece of deception, a fraud upon those whose interest you declare you are furthering. There is no question but that you attempt to legalize the secondary boycott.

I do not believe that the great mass of American laborers are asking for this un-American legislation. I believe the sentiment of equality under the law is just as strong with them as with any other class of people. I believe they are endowed with too much good sense and judgment ever to believe that an unjust, unequal law can work ultimate good to them.

Mr. President, another feature of this proposed law is the destruction of judicial authority. A subservient judiciary is destructive of human freedom. The judiciary of our country must ever stand as a balance to check the tendencies of the executive to usurp the functions of the legislative branch. It must ever stand guard over the ancient and traditional rights

of the individual and shield him from unlawful injury and his property from destruction or confiscation.

The executive power can shield itself through the use of the agencies of the Government. The whole Army and Navy are at its disposal and subject to its command. The legislative arm can, in a degree, shield itself through its control over the revenues of the Government. The courts can only protect themselves through the power to enforce their judgments, and the only process by which it can enforce its writs and its orders is through proceedings for contempt. To deprive it of that power destroys its use and deprives the individual citizen of the only power of maintaining his civil and political rights. There are no people in this country who are more deeply concerned in maintaining the constitutional power of the courts than are our laboring people. Paralyze the arm of the court, and a tyrannical power will take its place in the future, as it has always taken its place in the past, and the laboring man ought to know that tyranny always ranges itself on the side of wealth and power. Let every laboring man pause before he strikes the protector of his own liberties.

I am making no objection to any procedure that shall require those things which are merely condemnatory of the court's action to be submitted to a jury. On the contrary, I am liberal enough to believe that if the court has the power to enforce all its judgments it need not pay very much attention to criticism against the authority that it is exercising. In other words, I do not believe honest criticism of judicial action, no matter how severe, should ever be regarded as a contempt.

Mr. President, this is a country governed by law and not by men. You can not deprive the court of its constitutional right to make its judgments effective. You may limit it and change its procedure, but you can not, by legislative act, deprive it of the means of enforcing its constitutional power. If A obtains a judgment against B through proceedings at law or in equity, you can not submit the question of the right of A to enforce his judgment to any jury. If A demands a writ of execution and B obstructs the execution of that writ, you can not compel A to submit to a jury whether he should allow B to continue the obstruction; and it is immaterial what the form of the obstruction and whether directed against an execution or injunction.

Mr. President, this deception practiced upon the laborer is bad enough, but you seek to cover up the vice of class legislation by increasing the size of the class, and so you say that the farmers shall also be exempt from the provisions of the trust law.

Why should you include farmers? You just now voted out a provision that the consumers might also be exempted. You say the consumers shall not be exempted from the trust laws; that they can not organize to protect themselves against exorbitant prices and charges. Why do you insist that they should be prohibited from so organizing? Their organization would not affect laborer, farmer, or manufacturer, but would only be directed against exorbitant retail prices.

Mr. President, what farmer has ever asked you to exempt him from a general law which declares that a certain act shall be an offense against public policy? I want to say to this Senate, in defense of that great class of toilers in our fields, the American farmers, that the farmer is American through and through, imbued with the American idea of equality; and even if he could obtain a special benefit from such legislation, from a law, that would give him a right that the blacksmith and the grocer would not have, he would spurn the advantage; and if he would spurn that offer of advantage, you may be sure of his contempt for the sop you offer him. In the one instance you insult his sense of justice; in the other, his intelligence; and this seems to have been your attitude for a number of years. You have played the laboring man against the farmer and the farmer against the laboring man. You have declared in your political campaigns that you would reduce the price of the farmer's product to the laboring man; that you would give him cheaper food; you would give him cheaper eggs and butter, meat and flour. To the farmer you have declared that you would maintain his prices against the laborer and yet give him cheaper machinery and clothing and other articles of consumption. You have flattered them both with your mouths and lied unto them both with your lips.

There are 33,000,000 people in the United States engaged in farming. At least 30,000,000 of them are raising eggs. They are raising them on nearly every section of land from Canada to Mexico and from the Atlantic to the Pacific. They are selling those eggs every day over all of this vast territory to 70,000,000 customers. Tell me, then, how these egg producers can proceed to fix the price of eggs. You know they can not do it; and you know further that, being fearful that eggs might reach a price satisfactory to the farmer, you opened wide the bars for the free admission of all of the eggs of all of the hens on the face of the earth; and having by your laws placed the farmer where you know and where he knows it is impossible for him to combine to fix the price of his eggs, you laconically turn to him and say: "You can fix your own prices; we have exempted you from the law against combinations in restraint of trade." What is true of eggs is true of poultry and grain and meat and wool and practically everything the farmer produces. After you have placed him at the mercy of the whole world, then you serenely tell him he can fix his own prices for his crops.

You have not reduced the price of a single thing that the farmer purchases. Why? Because you know that the protection accorded any ordinary article in the shape of a duty is so infinitesimal when compared with the retail price of the articles that it is seldom taken into consideration at all. The ultimate consumer never recognizes the change. While eggs and butter in my State have gone down by reason of the lack of protection the great bulk of laborers throughout the United States have had no advantage of that reduction, and that is true of their meats and their flour and all other food products. Though our barley went down about 50 per cent the products of barley have remained substantially unchanged. Though our oats dropped 50 per cent in value, your laborer pays the same old price for a package of Quaker Oats.

Of course the great war raging in Europe has made many changes in the value of farm and other products for which you are in no way responsible. If our people have had some loss by reason of this war, it is not your fault. If it has given us some benefits, it is not due to the virtue of your policies. I can only say that you are exceedingly lucky that the war diverts the attention of the great American public from the political and industrial conditions brought about by your tariff revision, and which were becoming more and more stringent until the foreign demand was increased by that war.

The American farmer is not asking you for any favors. He is asking you for justice, and when you give him that he will excuse you from legislating any special rule exempting him from the laws of the land.

You have attempted, and I think successfully, in this bill to legalize a system that can not be but regarded as pernicious by all right-thinking men. The farmer, you know well enough, as I have stated, can not fix the price of his product to the laboring man. The laboring man, through his organization, can, with the assistance of this law, enforce the thing he has to sell as against the farmer. And right here, the farmer who must hire labor can not forget that while by law you have prohibited the importation of laborers, to the end that labor may not become too plentiful, and therefore remain more valuable, you have, on the other hand, invited the products of all the world to make the farmer's product more than plentiful, and therefore less valuable. The farmer can not send his agent and say to every other farmer and to every grocer, "Do not sell to this laboring man, he is not our friend." His effort would be laughed at as the folly of all follies. But how about the farmer who has a field of wheat which is ripe or an orchard of fruit which needs immediate gathering? Before his gate the agent of the laborer may walk back and forth, under the provisions of this bill, with impunity, bearing a placard: "Boycott this farmer. He works 16 hours a day and demands that his employees shall work 10 hours. See that his crops shall rot. He has committed no act against us, but insists that he ought to employ his labor at such a price as will enable him to support his family. Let us see to it that such audacity has its due and proper punishment." Of course, I have no fear of any such acts against the farmers of my State. They are every one of them courageous, and the placard artist would not long remain at that farmer's gate.

I do not question for one moment the right of the laborer, organized or unorganized, to declare that he will not accept employment under this farmer unless such employment is restricted to eight hours per day and to such a price as he himself may fix, but I do deny his right to institute a boycott against this farmer or against his neighbor whose only crime is that he loaned to the farmer his son to help him save a little of his year's labor. If I am right as to the farmer, I am right in every other line of business. There can be no principle that is unjust when applied to the farmer that the farmer at least will not consider unjust when applied to others.

You can just leave the American farmer out of this bill. If you want to be sincere with the American farmer, if you want to be just with the American farmer, give him the American market for 10 years as you have given the same to the merchant or manufacturer for 50 years. He has earned these markets. You deprive him of those markets. You depress the value of his products. You subject him to the competition of the whole world in his own country, and then you add insult

to that injury by telling him he need not obey the law prohibiting combinations to fix his prices. If you fool him with that sop, then I shall admit that I have overestimated the intelligence of the farming public.

I shall hope, Mr. President, that we will at least strike out the words "agricultural and horticultural associations" from this bill and leave the farmer where he can hold up his head and look straight into the eye of every other American citizen, capitalist and laborer, and say, "I am your equal and you are not more than my equal under the laws of the land."

Mr. POMERENE. I wish to ask the Senator a question. The Senator's State is almost exclusively an agricultural State. I wish to ask him whether there is any demand among the farmers of his State for any exemption of this character?

Mr. McCUMBER. There is no demand among the farmers of my State or any other State, so far as I know, for this unequal legislation.

Mr. HOLLIS. Mr. President, I desire to speak briefly on the labor-union exemption clause in the Clayton bill.

The Sherman Antitrust Act was passed in 1890, for the purpose of preventing industrial monopoly. It was frankly aimed at the "trusts," those great industrial combinations which were controlling various branches of interstate commerce through restraint of trade, greatly to the profit of their stockholders and much to the disadvantage of citizens at large. Familiar examples were the Standard Oil Co. and the American Sugar Refining Co.

At that time no one imagined that labor unions or farmers' associations would come within the act. No abuses from such organizations challenged attention.

But subsequently the language of the act was tortured into a meaning that has worked much hardship on workingmen and farmers. From an instrument which was intended for the relief of the plain people, it is transformed into an instrument for their oppression.

Section 7 of the pending bill is intended to place "labor, agricultural, or horticultural organizations" outside the provisions of the Sherman Act. In other words, such organizations are left to be dealt with at the common law. No matter what they do they can not be punished as "illegal combinations or conspiracies in restraint of trade, under the antitrust laws." Their members do not come in conflict with the antitrust laws as long as they carry out the legitimate objects of their organizations by "lawful" means.

Some of the legitimate objects of an agricultural organization are fair terms of shipment and sale of the products of its members, fair prices, and prompt collections. Some of the legitimate objects of a labor organization are fair wages, reasonable working hours, and wholesome conditions of labor.

In the attainment of these objects labor and farming organizations are not to be restrained by the antitrust laws so long as they act "lawfully." An act will be lawful in this connection unless it is prohibited by some special statute or by the common law.

For example, a labor union may vote to call its members out on strike to force higher wages, shorter hours, or better sanitary conditions. Its members may use peaceful persuasion to induce other workmen to join them, but any attempt at violence, coercion, threats, or intimidation would be "unlawful," and bring them into conflict with the antitrust laws.

The usual case of a strike or a boycott would present no difficulty, but when the regions of sympathetic strikes and secondary boycotts are reached opinions may differ. My own opinion is that so long as only peaceful means are resorted to, so long as there are no threats, no intimidations, no violence, no coercion, so long as the objects sought are the eventual good of the members of the unions, the acts are lawful. But the courts must decide when the facts are in dispute, or when the acts are close to the line.

But whether the acts constitute a restraint of trade will be immaterial if the bill passes in its present form.

Some distinguished Senators believe that labor unions do not now come within the provisions of the Sherman Act. How they can hold to this view in the face of Loewe *v.* Lawlor (208 U. S., 274) I do not understand, but it makes little difference here. If they believe it does not cover labor organizations, they can not object if the point is definitely settled. At all events, labor unions and their friends will be much relieved to know certainly that they are not to be classed with the Standard Oil Co. and the Sugar Trust.

But there is another class of persons who believe that labor organizations are prohibited by the Sherman Act and who vigorously oppose the exemption contained in the pending bill. I have had many letters and telegrams from men of this class. They may be referred to broadly as "capitalists."

Capitalists oppose this exemption of labor unions for a real reason. They wish to deprive organized labor of its only efficient weapon. But they proffer as an argument the proposition that the exemption of labor unions is "class legislation." I freely concede that it is class legislation, but I can not see why class legislation is not in this case highly proper and desirable. Let us see.

With the advent of steam, manufacturing was diverted from the workman's cottage to the factory. At the outset every employer of labor was permitted to run his business as he pleased. He fixed the hours of labor, he fixed the wages, he hired women and children, he guarded his machinery or he left it unprotected, he paid much or little attention to sanitary conditions, he made conditions hard or easy. No one undertook to prescribe any limits to his power and authority. Manufacturers look back to those early days as the days of the "old freedom."

At the beginning the capitalist lived near his mill; he knew his help and their families; he took pride in having his town or village prosperous, in having his employees well fed and well dressed. His own sons and daughters worked at the loom and in the countingroom. They intermarried with the families of the workingmen. There was one speech, one purpose, one prosperity, one God.

But some employers grew greedy. Some were cruel and inhuman. They worked longer hours than their rivals; they paid smaller wages; they employed more women and younger children; they provided less safeguards; they spent less on sanitary improvements. Such men secured an industrial advantage over their competitors.

And then the community exercised its power of protecting itself. It prescribed the conditions under which manufacturers might conduct business. It provided penalties by fine and imprisonment for those who disobeyed the labor laws.

In most States the first interference with the liberty of the capitalist took the form of limiting the number of hours of labor in mills for women and children. At first the limit was placed at 60 or even 72 hours per week. In the District of Columbia the present Congress has limited the hours of labor for women and children to 48 hours per week. The measure passed this Senate and the House without a dissenting vote. No one has questioned the right of Congress to pass the law; few have questioned the wisdom and policy of the law.

But in this law for the protection of women and children in the District of Columbia, enacted so easily, are contained all the elements of class legislation which are inveighed against so roundly in the discussion of the labor-union exemptions in the Clayton bill.

In the first place, the 48-hour law is frankly "class legislation," for it applies only to women and children. Women and children are made a class apart from adult males, and the law applies only to this particular class.

More than that, the law does not apply to all women and children. It is confined to those women and children who work in factories and stores. It does not apply to women and children who work on farms or at housework. Here again the law is limited to a certain class of a certain class—to those women and children who work in factories and stores.

It is readily seen that class legislation is very common, and very desirable in many cases. Many laws have been passed in the various States of a similar nature, such as child-labor laws applying only to children, to children employed in certain pursuits, and to children of a certain age. Here are three class distinctions; but who says that child-labor laws are void or wrong because they are "class legislation"?

There is the "phossy jaw" law, applying only to the class which makes lucifer matches; the sanitary-inspection law, applying only to factories; the boiler-inspection law, applying to a certain class of power plant; the milk-inspection law, applying to a certain class of food; the betterment-tax law, applying only to real estate of a certain class, and so on, indefinitely.

A good illustration of "class legislation" is found in the income-tax law passed during the present Congress. All persons having an income below a certain sum are placed in one "class"; married men are placed in a different "class" from unmarried ones; and there are numerous "classes" with different rates of tax, graded according to the amount of income.

The only constitutional provision is, not that all classes shall be treated alike, but that all persons of a designated class shall be treated alike. Few will dispute these propositions.

The dispute comes not in the power of Congress to pass class legislation, but in the wisdom and policy of the particular legislation under consideration. I have no hesitation in saying that I believe it is wise to make the provisions of the Sherman Act much more drastic as applied to combinations of capital in restraint of trade, for the evils springing from such combina-

tions are great and increasing. But I am equally certain that labor organizations are a good thing, and they should be encouraged rather than embarrassed by Federal laws.

A very good case may be made out, in the way of a distinction between labor and capital, as was done by Judge Furman, of the Oklahoma court, in State v. Coyle (130 Pac. Rept., 316), but I am content to rest my vote on the broad proposition that public policy is best served by exempting labor unions from the operation of an "antitrust" act.

The time may come when labor unions may oppress their employers or may act in such a way as to procure for their members more than their fair share of what is produced in the Nation. I believe that that time is not here yet, and if it is ever to come, it is a long way in the future.

But if that time shall ever come, let organized labor have a hearing, and fair consideration, and a law of its own. Let it be regulated by a statute that shall apply to its peculiar conditions and aims, its special advantages, and its special weaknesses. Let it not be insulted by being classed with malefactors of great wealth.

It would be funny, if it were not so unjust and pathetic, to picture the humble wage earner, paying his few cents a week for the protection of his trades-union, congratulating himself that the antitrust law will save him from the high prices imposed by monopoly, and suddenly realizing that he is himself classed with the monopolists and trust managers, and liable, like them, to fine and imprisonment under an antitrust act. This joke is hugely relished, no doubt, by monopolists and their attorneys, but it is the duty and the privilege of the Congress of the United States to put an end to all jokes and jokers of this character.

Mr. HUGHES. Mr. President, I desire to submit a few remarks with reference to this section of the bill, although I am not at this moment prepared to make any comprehensive or detailed argument. Still, I do not want the occasion to pass without submitting some of the reasons why I think this legislation is both necessary and wise.

First, I desire to direct my remarks to arguments which have been made on the other side of the Chamber with reference to the viciousness of class legislation. It is a strange thing to me that a Republican Senator should have the temerity to denounce class legislation, inasmuch as the existence of the Republican Party since it came into being has depended upon its ability to deliver class legislation.

I hold in my hand a book containing the Republican platform of 1908, and I find in it this language under the caption "Help to workers":

> The wise policy which has induced the Republican Party to maintain protection to American labor, to establish the eight-hour day in the construction of all public work, to increase the list of employees who shall have preferred claims for wages under the bankruptcy law, to adopt a child-labor statute for the District of Columbia, to direct the investigation into the condition of the working women and children and later of the employees of telephone and telegraph companies engaged in interstate business, to appropriate $150,000 at the recent session of Congress in order to secure a thorough inquiry into the causes of loss of life in the mines, and to amend and strengthen the law prohibiting the importation of contract labor will be pursued in every legitimate direction in Federal authority to lighten the burdens and increase the opportunity for happiness and the advancement of all who toil.

So, you can go through every declaration of the Republican Party set forth in its various platforms almost from the birth of that party down to the date of its last convention and you will find that it justifies enormous tariff exactions on the theory that the high prices made necessary by those exactions, going into the pockets of the manufacturer, are to be by him doled out to the American laboring man. If forbidding the American people to purchase their goods where they can purchase them cheapest and compelling them to purchase from a selected class of individuals is not class legislation, I am at a loss to know what class legislation is.

While we are speaking of class legislation, where could we find a more beautiful illustration of the ease with which class legislation is accepted when certain powerful interests are involved than the spectacle exhibited in this body the other day, when a statutory monopoly was permitted to continue its exactions, permitted to continue to mulct the American people for carrying their goods, even in the face of a great exigency, a great war emergency? Here was a little selected class of American citizens who have the privilege of operating vessels plying from port to port in the United States, while an American ship, flying the American flag, sailing from the port of Liverpool, for example, to the port of New York and discharging her cargo there can not pick up another cargo at the port of New York and carry it to a Gulf port in order to pay its expenses for that part of the trip, but must confine its operations to American commerce transported abroad. Why? Because if it were permitted to engage in the coastwise trade it would interfere with the privilege of a class of American citizens who own and operate coastwise ships and a class of American citizens who build those ships for those men to own and operate.

Now, let us drop all this nonsense; let us put that behind us. We are constantly engaged in class legislation. I am not discussing the merits of the shipping bill or of the conference report which was recently defeated in this body. I am simply calling attention to the fact that class legislation is not denounced and never has been denounced in this body since I have been here, unless the class attempted to be helped were the laboring people of the United States. As I have said, the Republican Party, the representatives of which are denouncing this legislation as class legislation, has held itself out as the exponent and proponent of class legislation in every campaign of which I have any recollection. I can not remember the time when the Republican orators did not claim that the principle of protection, the principle of forbidding the American people to purchase their goods where they might and compelling them to restrict their purchases and their operations to a limited number of known and designated men, was not the cause of the wonderful prosperity of the United States. They went further than that and stated that the reason why they did these things, the reason why they restricted the operation of the American people and compelled them to buy in a restricted market, oft-times without competition, was not to benefit that class; *no*; it was another class they had in mind; the class they had in mind is the class that we are now really trying to help. They put the burden of that policy on the shoulders of the American laboring man.

They talk about demagogues and talk about claptrap and efforts to catch votes. What has their whole history been? What has it been with reference to this question but a succession and continuation of claptrap and buncombe, intended not only to get votes but to cheat the men from whom they got the votes? They have cheated them, but as soon as the men whom they cheated discovered the partnership and the connection between the Republican Party and those who were fighting the laboring people of this country that party was swept from power.

I listened to the argument of the Senator from Ohio [Mr. POMERENE] yesterday. He advanced, so far as I was able to discover, nothing that had not been advanced by the attorneys of the Manufacturers' Association years and years ago. Those gentlemen have been active in this fight ever since I can remember. On several occasions I came in contact with their agents in my district, and I was frankly informed that any man who stood for the legislation for which I stood could not be elected until every resource at the command of the Manufacturers' Association had been exhausted against him.

To-day I was handed a copy of a night letter which is being sent to Senators at this time, and I will read the body of it without putting in the name of the individual to whom it is addressed. It carries me back a good many years to the time when I was a younger man than I am now, but it is the same in form and the same in substance. This discredited organization, which was utterly disgraced and should have been shamed into silence, is as active to-day as ever it was, but it no longer has the influence it formerly had; it no longer can hold the club, and its threats have no force. Members of the House and Members of the Senate no longer fear the Manufacturers' Association.

I will read this communication now:

> The Clayton bill, exempting labor combinations from the Sherman Act, providing trial by jury for contempts, and radical regulations for business, is now pending in the United States Senate. To overcome belief existing in many quarters that business men are indifferent to this vicious measure and to assist in securing illuminating debate, will you not immediately request and urge your members to make determined and persistent protest against it to your Senator and to ask their associates to do likewise? Immediate action is imperative.
>
> NATIONAL ASSOCIATION OF MANUFACTURERS,
> GEORGE S. BOUDINOT, *Secretary*.

The National Association of Manufacturers have a perfect right to send out that communication, and I am not objecting to it. It is entitled to all the weight that a communication from such an association is entitled to. I have no quarrel with them. I never had any quarrel with them. Their opposition to me was the source of my greatest strength. The opposition of the National Manufacturers' Association to-day would be the greatest asset I could have in the State of New Jersey. My only fear is that perhaps they will not oppose me; so I look upon their activity now more in sorrow than in anger, and sympathize with them, knowing that they have lost the invaluable services of the delectable Col. Mulhall, although they seem to have enlisted a number of new recruits under their banner. Still, I can not help feeling that the close, intimate, and per-

sonal activities of the colonel will be but illy compensated for by the activities of the new recruits to the Manufacturers' Association, so far as I have been able to observe their activities.

I became interested in the Sherman antitrust law and its application to organizations of labor as soon as it was intimated that the law was intended to apply to organizations of labor; and in another body I introduced and had printed—I think I got that far—an amendment providing that it should not so apply. I made a study of the debates, and became familiar with the history of the legislation, and particularly the history of the legislation so far as it referred to its effect upon organizations of labor, and I discovered that nothing in the world was further from the mind of the author of what was known as the Sherman antitrust law than that it should in the slightest degree affect organizations of labor.

The question was raised on the floor of the Senate. I do not like to bore my colleagues with a repetition of these facts. They have been set out over and over again, more than once by me, and a great many times by other Senators. Nevertheless, I will pause to take the time to set out the main features of the history of this legislation so far as it relates to these organizations.

Although the bill apparently, by its terms, and having in mind the object and intent of the legislator who offered it and the legislators who discussed it, had absolutely no application to these men and these organizations. The question was raised on the floor of the Senate, as I recollect, by Senator George, of Mississippi, first. At that time there was a great and powerful organization of labor known as the Knights of Labor. For that matter, they are still in existence and still interested in this sort of legislation. The question was asked whether or not the bill, if enacted into law, would interfere with them in their operations. The answer was that it would not. The answer by the author of the bill was that it could not possibly, by any stretch of the imagination, in any way interfere with the operations of these men. These men were then engaged in doing what the ordinary labor organization is doing to-day. Their organization was practically the same as it is now. Their operations then were about what they are now.

Senator Hoar, of Massachusetts, not satisfied with the explanation of the author of the bill, asked further assurances that it was not the intent of the author of the measure or of those who supported it to interfere with these organizations. He called attention to how necessary they were. He called attention to the beneficent results which flowed from their activities. He called attention to the fact that they had inherent and natural rights which must be respected, and that in the effort of the legislature to control and curb the operations and practices of the great combinations of capital which then were afflicting the body politic, great care must be exercised to see that no harm was done to these beneficent organizations, which were interested only in the rights of men and women and children, the blood and bone and sinew of this country, without which the country was nothing; and he, too, was assured by the author of the bill that nothing was further from the minds of the legislators who offered it or of those who supported it.

Not satisfied with that, Senator George then offered an amendment providing in terms that the bill should not affect organizations of labor. That amendment was adopted by the unanimous vote of the Senate.

A peculiar situation existed in this body at that time. There were all sorts of opposition to the Sherman antitrust law. There was open opposition and there was hidden opposition. The hidden opposition took the shape of offering amendments to the bill which were not offered in good faith, and which were not offered with the purpose or object of improving the bill, but in the hope that it would be loaded down and made so objectionable and so obnoxious that on the final vote it could not pass.

The author of the bill called attention to what was going on. He said he was familiar with the methods and the practices that were then being employed. He called the attention of the Senate to the fact that these Senators were not trying to improve or benefit his bill, but that they were trying to load it down with amendments which would make it impossible for even him to vote for it. So far, however, as this amendment was concerned, he said that he was in favor of it; that if it was necessary to keep the courts from attempting to apply this law to organizations of labor, then he wanted it; he would have written it himself. He accepted it fully and completely.

Various other amendments, however, he resisted most vigorously, but in spite of all he could say or do they went in the bill; and at last, when the Senate and the opponents of the legislation had worked their will upon the Sherman antitrust bill as it was first presented, it was in such shape that he himself could not vote for it. His opponents had succeeded in their purpose, and they had so loaded it down with objectionable amendments that the author of the bill himself would not vote for it, and he asked that it be recommitted. As I recollect, he himself asked that it be recommitted to the Judiciary Committee. It went to that committee, and five or six days later it emerged therefrom, and contemporaneous historians say that in the committee it was redrafted, recast, and rewritten by the Senator from Massachusetts, Mr. Hoar. That seems to be the general understanding and the general agreement now. I am indebted for that piece of information to the junior Senator from Indiana [Mr. KERN], who says Senator Hoar sets it out in his autobiography. Senator Edmunds, who for years was regarded as the author of the bill, admits that Senator Hoar really wrote it when it was recommitted to the Judiciary Committee. That Senator, with the sentiments in his breast which caused him to question the legislation, to insist upon its amendment, to ask for a declaration by the author as to what its object was, to point out the beneficent character of these organizations of labor, wrote the bill that we are asked to believe was intended to apply to labor organizations as well as to the Standard Oil Co. and the Sugar Trust, which were then almost the sole objects of the legislative action, because we did not have the brood of trusts and gigantic corporations then that we have to deal with now.

There were, as I recollect, but two industrial combinations which then were raiding the American people, and the legislators had them in mind, and had nothing else and no one else in mind. Senator Hoar of Massachusetts, when he wrote that legislation, had them in mind, and expressly stated that he not only did not have organizations of labor in mind, but that he wanted to protect them, so that by no mischance should they come within the provisions of this drastic law. Yet the highest courts have solemnly said that there is nothing in the bill or in the debates to show that it was not the intention of the Congress to make this law apply to everybody—individuals, corporations, and organizations of every character.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. HUGHES. Certainly.

Mr. CUMMINS. I have heard the phase of the history of this law just suggested by the Senator from New Jersey developed here several times; but there is one view of it which I think ought to be borne in mind, and which very greatly strengthens the position now taken by the Senator from New Jersey.

The Sherman bill was not at all like the antitrust law. The thing that was prohibited or made unlawful in the Sherman bill, over which the debate raged for a year or two, and to which the amendment of the Senator from Mississippi, Mr. George, was offered, was interference with free, full competition. The words "restraint of trade" were not used in that bill. It was thought by some that a prohibition against free, full competition might include labor unions. When, however, the bill went to the Judiciary Committee for the first time—it had theretofore been dealt with in the Finance Committee—and when either Senator Hoar or Senator Edmunds, it makes no difference which one of them it was, wrote a substitute for the bill, the words used were "restraint of trade or commerce," and the thing made unlawful was the restraint of trade or commerce, or monopoly. In my opinion, it never entered the mind of any man of that time that a labor union organized for the benefit of its members and to advance their interests in wages, in hours, in conditions, could be regarded as a restraint of trade. That suggestion was left for a much later period; and I have always thought that this difference between the Sherman bill as it was debated on the floor of the Senate and what we know as the antitrust law emphasized the point that has just been made by the Senator from New Jersey.

I am not saying, of course, that the members of a labor union can not do something that will restrain trade. That is a mere matter of what they do; but a labor union in and of itself, brought together for the purpose of advancing the wages of the members or bettering their condition, was never dreamed of at that time as being in any possible event a restraint of trade.

Mr. HUGHES. I am very much obliged to the Senator from Iowa for his contribution to this discussion. I can see the extreme importance and the relevancy of what he has said, although I confess that if I ever did know it I have forgotten it. I am speaking now entirely from memory, without notes, and

relying upon my general recollection of past investigations; but if it is necessary, if there is any honest doubt remaining in the mind of any man—and I confess that for the life of me I can not see how there can be—that it was not the intent of the legislators to make this drastic law apply to organizations of labor, it seems to me it must be dissipated by this fact:

Since the passage of this law, unless these men were either impliedly or expressly exempted from it, they have been existing and operating, a great many of them at least, in absolute and utter violation of it. Can anyone doubt that a strike threatened or carried into effect by a body of men like the Brotherhood of Railroad Engineers of the United States would be a violation of the Sherman law, if it is once admitted that the law is intended to include them within its terms?

We talk about the operations of the Danbury Hat Co. as in some indirect and far-fetched way affecting interstate commerce because it prevented the sale of an article in one State when made in another. But what about the explicit express and intended act of an organization the object of which is to prevent commerce between two States?

The Senator from Ohio [Mr. POMERENE] yesterday called attention to a threatened strike of the railroad employees west of Chicago a week or two ago, and he seemed to deplore the fact that this law would make it impossible to enjoin those men in that strike. But suppose the controversy had not been settled and that strike had been called, it was admitted by everybody and it must be admitted by everyone that that would not only restrain commerce, but it would absolutely for the time being destroy it.

Here is an organization of men banded together in combination under an agreement to do something that is not only going to restrain commerce, but is going to end commerce for the time being. Not only that, but they threaten in advance that they are going to conspire together, and then they are going to commit acts in conspiracy. If the Sherman antitrust law applies to organizations of labor, dealing directly or indirectly with goods which enter into interstate commerce, certainly every trainmen's organization operating over a road which traverses two or more States must be in utter violation of this law by the very purpose of its existence.

The primary purpose of its existence is to bargain collectively with their employers for its members. It is to relieve them, to take away the terrific handicap which the individual labors under when he goes to his incorporated employer and tries to make a bargain. They found out a good many hundred years ago that they could make a better bargain with one man speaking for all than when going individually. The union was forced into existence because of hard conditions placed upon employees by employers.

You could destroy every union in the United States in six months, you could destroy a union anywhere as soon as the members of the union became convinced that their employers were men of such character that they would always receive what their services were worth and that they would be treated as they should be treated. The union is only a shield, a protection, a growth made necessary by the hard conditions imposed upon the weak by the strong.

What is the object of the union? The object is to bargain collectively. What power have they? They walk into the office of the president of a railroad company and say, "We are not receiving enough wages," or "We are working too many hours," or "We have to lie over too many hours at this place or that place and waste time away from home for which we do not get paid." The president of the railroad company listens to the demand, talks with them, pleads with them, and argues with them, reasons with them. Why does he do that instead of dismissing them and sending them out? He knows that the members of these railroad unions can work or not, as they like. He knows that these men have the power to stop the wheels of his trains and his locomotives. He knows that these men have the power to stop commerce, to restrain commerce, perhaps to destroy for the time being commerce throughout the territory served by the railroad company.

Is there any question about that? We read frequently in the newspapers of the ultimatums presented by men and the reply by the owners of railroads. Do they not even vote upon it? Have not the polls been published in the newspapers of the United States? No one can doubt, no one ever could doubt but that here was an organization of men the very purpose of which was to restrain, to destroy, if necessary, for the time being commerce between the States, and the more effectively they could make their interruption or restraint of commerce the more likely they were to succeed.

Why is it that for all those years from 1890 down no one has attempted to invoke that law against these railroad organizations? I will tell you why. The railroad organizations are too powerful. The railroad organizations are in a position to interfere with trade and commerce. If the provisions of the law did include them the railroad presidents would be loath to invoke it against them.

But here and there is an organization of men who are not powerful, who are not rich, who have not many connections, and these men have been selected by district attoneys here and an attorney general there for the purpose of testing out this law, of carrying it on, encroaching further and further upon the rights of the laboring people of the country, until within a year or two they became convinced that unless this law was repealed or modified a great war was coming; that, as soon as the heads of the great corporations of the country were satisfied of their position and satisfied of their power, the attempt would finally be made to make that law mean what some boldly say now it means, that every combination, organization, or association that has for its purpose directly or indirectly the impeding or restraining of commerce between the States falls within the provisions of the Sherman law, and that these organizations are criminal per se.

There was a situation existing in another body when this matter first came up which made it impossible for that body to act along certain lines. Bills could be introduced, amendments could be introduced, but careful arrangements had been made that those bills and those amendments should never get beyond the committees to which they were referred. It was comparatively easy to make such arrangements, and they were made. Nevertheless, it was sought to test the sentiment of the other body on this particular question, and an amendment was offered to an appropriation bill four years ago, as I recollect it, and that House, then Republican overwhelmingly, passed that limitation on an appropriation bill which said in effect, which said as nearly as could be said in the limited way in which the House can legislate in that manner, that this law did not and should not be applied to organizations of labor.

That started this fight. The manufacturing associations and the Federation of Labor joined issue in the next campaign. Lists were published of the Members who voted for and of the Members who voted against. The Manufacturers' Association furnished a list of every man who voted in favor of this limitation on the Attorney General's fund which prevented him from the prosecution of organizations of labor under the law; the American Federation and allied organizations furnished a list of the men who voted in favor of the limitation; and those two great organizations, one of them was a great organization and the other was supposed to be a great organization, joined issue and fought that contest on that limitation.

It was some time ago, and I have not paid any attention to it for a long time, but it is my recollection that something like 30 Members of the other body, who took the national manufacturers' side of that question, after a thorough discussion in the campaign, were defeated at the polls, and if my recollection serves me correctly not a single Member who was attacked by the Manufacturers' Association for his vote upon that limitation failed to come back to the House.

It was in that situation that the Democratic Party took control of the House of Representatives, and I had the personal assurance of not less than 10 Republican Members of Congress that the reason why they were defeated was that they had voted against this attempt to take the organizations of labor, as the House could do it at that time, out from within the provisions of the Sherman antitrust law.

The American people do not want oragnizations of labor classed with the Standard Oil Co. and the Sugar Trust. They can see the difference, whether legislators or judges can or not. They know that there is a world of difference between these organizations as organizations and between their acts and practices, and they know there is a world-wide difference between the effect that the acts and practices of the Standard Oil Co. have upon the people of the United States and the effect that the operations of the American Federation of Labor has upon the people of the United States.

I can assure my colleagues in this Chamber that the American people have no difficulty at all in making this distinction. They have made it already, and I can say to my brethren in this body that they, too, should be able to make the distinction.

These men have been conducting this fight against terrific odds for years and years, and the inherent justice of their cause, in my judgment, regardless of what this body or any other legislative body will do for them, has triumphed. Public opinion aroused by them, aroused by the mere exhibition of their wrongs and their grievances, has won this fight for them. We are halting lamely behind that public opinion. When we

pass this law we are scarcely abreast of the foremost judges of the land.

The Senator from Idaho [Mr. BORAH] and I had a controversy yesterday with reference to whether this legislation was needed or not, and as somebody said about the Equator, a great deal is to be said on both sides. There are judges who are as far apart on this very question as the poles. There are judges who believe that every organization of labor which is in a position to affect directly or indirectly interstate commerce is within the provisions of this law. There are opinions, only recently rendered by the courts, which take the opposite view. We can not afford to leave to occupants of the Federal bench who qualified for their places by serving the National Manufacturers' Association the decision of this question—men who as legislators served other masters than the people; who earned the condemnation of the people and were turned from their service, repudiated; men upon the bench who for those reasons were embittered by their defeat, with their inherent hatred of the laboring people of the country intensified by their humiliation, vented their spleen by racking their brain for a more and more drastic provision to put in their restraining orders. There are some of these gentlemen on the bench yet. I do not want it to be within the power of a single one of them to point to any legislative warrant for what he does.

I regret, of course, that the Judiciary Committee on this side, and on the other side, too, for that matter, did not have the courage of the British Parliament, that they were not as downright thoroughgoing and honest as the British Parliament, which said in terms by means of the trade disputes act that laws of any kind which would interfere with the operation of these bodies should not apply to them. And understand, when we pass this law we leave every organization of labor subject to the laws of the State in which it is located.

I say for the comfort of the gentlemen who in their hearts hate these men, that there is still law enough to fill the penitentiary with representatives of organized and unorganized labor in this country; that every State in the Union, every county prosecutor can harass them, any sheriff can arrest them, every county judge can try them, grand juries can indict, and local juries can convict them and send them to the penitentiary. It is not so in England. The Parliament acted by means of the trade disputes act and said these men should be permitted to conduct their organizations and do a great many of the things we propose to permit them to do here, and a great many other things at which we throw up our hands in holy horror.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from New Jersey yield to the Senator from Texas?

Mr. HUGHES. Certainly.

Mr. CULBERSON. Probably I did not understand the Senator correctly, but do I understand him to make the assertion that the Congress of the United States has power to legalize the existence of labor organizations against the laws of the separate States?

Mr. HUGHES. No; the Senator misunderstood me. I may have given that impression but that is not the point I am trying to make. I think I will clear it up in a minute or two. I was simply caling attention to the action of the British Parliament. The criticism I made in which the Senator would be interested was an expression of regret. I am not criticizing the Senator or criticizing his committee. I am as familiar with the history of this legislation as anybody can possibly be and with the history of the present attempt to cure the evils complained of. I have no criticism to make of the Senator. On the contrary, I have found him and the members of his committee to be eager and anxious to cooperate in this movement to the extent that they thought it would be possible to go. I regret that it was not possible to go as far as the British Parliament went. Then I said that when the British Parliament acted it was not acting only upon members of organizations who were engaged in interstate commerce directly or indirectly but that the law ran into every hamlet in England and controlled every county prosecutor and every grand jury and every petit jury and every judge.

Mr. CULBERSON. The Senator of course understands that that would be impossible under our form of government.

Mr. HUGHES. Of course, I understand that it would be impossible. I am just calling attention to the fact that this legislation falls far short, in a Federal way, of what the British Parliament granted to its workingmen. Yet we are compelled because of our dual system of government to leave it subject to the laws of the various States. What would the laboring people have been getting if you had taken them out from within the provisions of this act? What would they have been getting from the Federal Government, when it is admitted that we leave them subject to the laws of every State? Was it too much to ask that they be exempted entirely from the operation of that law?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. HUGHES. Certainly.

Mr. BORAH. The Senator says that they are left to the laws of each and every State. I do not suppose the Senator means it that way; but it is so often said here that this and that must be left to the States, as if there were a superior virtue in the Congress of the United States to that which exists in the legislatures of the respective States.

I do not think there are any more competent bodies to pass upon questions in the respective States than the legislatures of those States. They make mistakes because they are human, but I do not think that because these matters are left to the States there is any reason to suppose that the States are going to be unfair in the laws which they pass. We have every reason to believe that the laboring men will share in as wise and just legislation at the hands of the States, with reference to those matters which are peculiar in the States, as they would in Congress. Does not the Senator think so?

Mr. HUGHES. I do not think anything to the contrary. I was not referring to the fact that this legislation ought to be left to the States. I was simply calling attention to the fact that there is now legislation in practically every State of the Union on this subject of one kind or another, but none going so far as the British Parliament went in the trades-disputes act. No matter if they are not prosecuted under the Sherman Anti-trust Act, or if not prosecuted under the modified law which it is hoped we may here pass, they are still subject to prosecutions in the various counties of the States in which they live. We can not do much for them in the nature of things. Every one of these organizations has its local habitation and its name. It operates through its organization and its officers.

Mr. BORAH. I know, so far as my State is concerned, the legislature enacted labor legislation which was satisfactory to labor in reference to eight hours a day, and protecting them in the mines, and so forth, years before Congress acted upon it.

Mr. HUGHES. Exactly. I do not know whether I am making myself clear or not, but I am simply calling attention to the fact that these men are now resting under a double load of adverse legislation, because their activities are circumscribed, to a greater or less extent, in every State in the Union. There is not a single State in the Union of which I have any knowledge which has given them legislation as favorable as the British Parliament has given to the workingmen of England. There was no legislature that had the courage to stand up against the assaults of this discredited organizaion, powerful, indeed, at one time; I have seen its agents go to high places in public life in this country. There has not been a legislature of a State in the Union, so far as I know, which was courageous enough to stand up and look this outfit in the eye and do what the British Parliament did for the degraded pauper labor of England and Europe, as the phrase goes. The Senator is undoubtedly familiar with it.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. HUGHES. Certainly.

Mr. CHILTON. Does not the Senator think that his expression and the expression of the Senator from Idaho that we are leaving anything to the States is the rankest kind of reasoning, but in which the Senator has unfortunately drifted? We can not leave anything to the States. The States are all powerful, except as they grant some power to us. We are now attempting to give within the powers that are granted to us to guarantee such rights and to extend such freedom to labor as we are enabled to do. Can the Senator suggest any other field in which we can legislate except under the grant to regulate interstate commerce? Can the Senator suggest that we can go further in those lines than the House and the Senate seem willing to go at this time?

Mr. HUGHES. I seem to be very unfortunate in my attempts to make myself clear. I did not want anyone to understand that I thought Congress or the Senator's committee should not attempt to legislate on this subject or take away the rights of the States to legislate.

Mr. CHILTON. That is all right. I did not want to interrupt the Senator, but I knew he wanted to be clear about it.

Mr. HUGHES. I am simply trying to call attention to the fact that even if we give everything that is in our power, even if in the express terms we should take these men from

within the provisions of the law, we would still leave them subject to the jurisdiction of the various States of the Union, which have all sorts of laws on this subject and none of which are as liberal as the British act of which I spoke, which operates in every part of England. That is all I desire to say.

Mr. CHILTON. Just in this connection, if the Senator will permit me——

Mr. HUGHES. Certainly.

Mr. CHILTON. Of course that law operates in England, because there is no constitutional limitation there on Parliament.

Mr. HUGHES. I said that in the beginning. I said on account of our dual form of government it was not possible for Congress to do the same thing. I do not want any member of the committee to think in anything I am saying that I am implying criticism. I realize that the members of this committee have gone as far as they thought they could go, and I agree with them. I am in absolute and utter harmony with them, but I would like to go farther. We know the hue and cry that can be and has been raised and is being raised now against all this sort of legislation. We take what we can get. The laboring men of the United States of America have been taking what they could get ever since I can remember. They have, with hat in hand, been haunting the corridors of this Capitol, begging for a chance to be heard. They have been humble and suppliant; they have been asking for a chance to keep their organizations and to perfect them; they have asked for legislation which would put into effect other legislation which was granted to them before a presidential campaign, but which was suspended by the decision of the Attorney General after the campaign. They spent years and years in getting an eight-hour law upon the statute books, a law providing that eight hours should constitute a day's employment on work done by or for the Government. That law had been enacted, I think, back in 1892, with a great flourish of trumpets, and the gentleman who introduced it in the other body went into the campaign in the State of Ohio as the author of that great measure. Although he had previously been defeated for Congress, he introduced that measure in the short session, during which he had yet to serve before his term expired, and the bill was passed. He then went into the campaign as the author of that bill and was returned as governor of the State by an overwhelming majority, and afterwards became the President of the United States as the father of the eight-hour law, a law which was suspended by a decision of the Attorney General before the returns were counted. From that time on——

Mr. BORAH. The eight-hour law was suspended by the Attorney General?

Mr. HUGHES. I do not mean actually suspended by order of the Attorney General, but they put a comma in or took a comma out of the law, and then building, construction, and other work done by or on behalf of the Government could be carried on under an 8-hour day or a 10-hour day or any other kind of a day.

I called the attention of the man who is now supposed to be the great exponent of the laboring people of this country, then President of the United States, Theodore Roosevelt, to the fact that there was being built a great reservoir in the city of Washington, that there was an eight-hour law upon the statute books, that the Republican Party had taken great pride in the fact that it had passed that law, that a revered and honored member of their party, then dead, had been pointed to as the author of that law; and I told him that I had been on the ground and had seen the work being carried on; that the work was being done by and for the Government directly, without the intervention of any contractor, the Government engineers being in charge and in control of it, and that they were operating under a 10-hour day, working two shifts 10 hours each, one shift working by electric light. I called his attention to that myself in person so that there would not be any question about it. I wanted to ascertain the facts. That was in the old days when public men did not have to be sincere, when men were only expected to make pretense about election time. They did not rely upon the people for nomination; they did not rely upon the people for election. Politics was a game of buncombe; and the man who most successfully practiced buncombe was the most successful politician. That day has passed.

Mr. BORAH. It must be since the Panama Canal tolls bill was passed.

Mr. HUGHES. I will not permit the Senator from Idaho to divert me. I called the attention of the then President of the United States to the fact that this vaunted eight-hour law had virtually been suspended by the decision of the Attorney General in various instances, and that, whatever the merit of the Attorney General's decision was, there could not be any question in this particular case that that $3,000,000 worth of work was being done in the District of Columbia for the Government and by the Government, and that the law was being violated. To make a long story short, there was considerable correspondence which I returned by request. I was informed that this was an emergency proposition. I did not even take the trouble to call the attention of the President to the fact that on an emergency proposition they could work 24 hours a day instead of 20 hours, three 8-hour shifts instead of two shifts of 10 hours. That was in 1904, as I recollect. It was not until last year or the year before last that the laboring people of this country were able to get on the statute books legislation overcoming that decision of the Attorney General.

They have not asked for much and they have gotten a great deal less. I started out by saying that I would like to have seen the Congress of the United States pass an act reading something like this:

Be it enacted, etc., That an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

I wish we could even have gotten that far. There is nothing in this bill which goes so far as that. The first paragraph of the British trades-dispute act—and, as I said a while ago, that act runs into every nook and corner of the Kingdom and is controlling upon every prosecuting officer and every grand and petit juror—reads:

It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend, at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

That meat was too strong for the gentle stomachs of the American people, as their views are expressed by the Manufacturers' Association and kindred associations. That language could not have been adopted; that language is not in this bill. The act continues:

An action against a trade-union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade-union in respect of any tortious act alleged to have been committed by or on behalf of the trade-union, shall not be entertained by any court.

They seem to have gone mad over there. Parliament seems to be absolutely and utterly bereft of reason. Evidently they can not see any relation at all between an ordinary conspirator who is conspiring to murder somebody or to burglarize his house and labor unions. The British Parliament sees the widest distinction between those two kinds of conspirators. They seem to think that the interests of the British workmen are paramount and supreme over the necessities of everybody else in the land, and that they can permit them to organize and encourage them to organize and make it possible for them to procure reasonable wages and to enforce sanitary conditions, and that they in turn perhaps will be able to educate and feed their children and bring them up as they should be brought up. They seem to have some sort of an illusion that that will be a good thing for the British Empire.

We are under no illusion over here. There is not a State in the Union, so far as I know, that has an act of this kind or one so liberal as this. We know that it is not even attempted here to come within miles of it; and it is known that even if we did we still would leave these men subject to the various jurisdictions in which they live and operate. No; we prate about the American workman in our political platforms and we excuse the system of tariff robbery on the ground that the robbers are going to hand their plunder down to the workers. There is only one way in which they can be compelled to hand it down; there is only one weapon that will permit an American workman to plunge his hand into the employer's pocket and get his share of the loot that has been wrung from the American people, and that is the strike. One of these conspiracies, one of these combinations and agreements that may be in restraint of trade is the only weapon he has had, but you have given his employers themselves many; you have permitted them to capture this loot, and you have said you have done so on behalf of these American workmen. That is what you said; your platforms reek with it; there is not a platform that you have adopted for the past 25 or 30 years that does not say that. You pride yourselves upon being class legislators. You have two classes—employers and employees. You give the employers the right to loot and plunder, and you say we do so because we know they will pass it down. As the present Secretary of State one time said, you have appointed the employers trustees, you have made them executors or administrators, but you have not asked them to give bond.

Mr. WEEKS. Mr. President——

Th. PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. HUGHES. I do.

Mr. WEEKS. It is hardly necessary, I think, to comment on the language of the Senator referring to the benefits of a protective tariff.

Mr. HUGHES. I do not insist that the Senator comment on it.

Mr. WEEKS. But it seems to me that if there is any connection between high wages and the legislation to which the Senator has been referring as prevailing in Great Britain we would naturally expect to see better wages in Great Britain than here; and he knows, just as everybody knows, that the wages here are from 25 to 100 per cent higher in the same industries than they are in that country.

Mr. MARTINE of New Jersey. The American workman possibly performs from 25 to 100 per cent more work than does the average Englishman. Our workmen do not get any more than they are entitled to at that.

Mr. HUGHES. What difference does the suggestion of the Senator from Massachusetts make? I do not care to discuss that with the Senator. I can reply to the Senator by saying that even if his statement is true, which it may or may not be, yet——

Mr. WEEKS. The Senator knows it is true, does he not?

Mr. HUGHES. No; I do not know that it is true, as the Senator states it; but even assuming that it is true, the British workman is getting twice as much—and perhaps that is as nearly true as the Senator's statement—as is his French brother, who is living under a high protective policy; but I do not care to go into that.

Mr. WEEKS. But that statement, Mr. President, is not correct.

Mr. HUGHES. I think it is more correct than the Senator's statement; but we can not decide that now.

The fact remains that the Senator will probably vote against this bill. I do not know as to that. I hope he will not do so; but he probably will vote against it, or against this provision at any rate. He never had any idea in his mind when he voted for the protective tariff to do anything except to benefit the laboring people of this country, but I want to tell him now that if he wants to benefit the laboring people of this country he should give them a chance to combine and organize, to enter into combinations and agreements which may or may not restrain trade, so that they can deal collectively and effectively with their employers. Then they will get even higher wages than the wages which the Senator thinks now are so generous, but which the laboring people of Fall River did not think were so generous a year or two ago, which my people in the city of Paterson did not think were so generous, and which I myself do not think were generous.

Mr. WEEKS. But the Senator puts words in my mouth which I did not use.

Mr. HUGHES. Then I withdraw them.

Mr. WEEKS. I did not say that wages were generous or overgenerous; I said that wages were materially higher, and if the laws of Great Britain were so favorable to the laboring men, we would naturally suppose that they would benefit because of them.

Mr. HUGHES. The Senator does not have to take my opinion with reference to the laws of England being favorable to the laboring men. The Senator can read the proposed legislation now pending, and he can read the law which is on the statute books of England, and I will take his judgment as to whether or not the English law is more favorable on this particular question.

Now, I can not be diverted into a tariff discussion. The Senator is familiar with my views on that subject and I am familiar with his. The tariff has not anything to do with this matter, except that your tariff has been perpetrating a fraud and humbug upon the laboring people of this country for years by pretending that a high tariff rate is for the benefit of the laboring people. If you were interested in the laboring people you would be in favor of legislation which would permit them to organize and to operate as organizations in order to protect themselves against combinations of capital which are so much more powerful than they are.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. HUGHES. Certainly.

Mr. NORRIS. Mr. President, since the Senator has so often in his remarks undertaken to make a partisan question of this matter and has charged up to a political party all the sins that have come from bad legislation on this particular subject, I want to ask him if he charges the deficiencies of this legislation now pending to the Republican Party? If he claims that the bill now before the Senate does not go to the extent to which he thinks it ought to go, why not, then, put the responsibility on the Democratic Party, for they are certainly in power now?

Mr. HUGHES. They are perfectly willing to take that responsibility.

Mr. NORRIS. The Senator ought to place the responsibility where it belongs, then.

Mr. HUGHES. The Senator is as familiar with the situation that exists here as I can possibly be.

Mr. NORRIS. I think I understand the situation.

Mr. HUGHES. The Senator has had legislative experience enough to know that frequently a party may be in control, and yet the defection of a few men, united with a determined minority, can defeat legislation.

Again, I wish to say that I do not expect the Democratic Party to follow me blindly in these matters, or to go as far as I would have them go. I am simply trying to show you where I should like to have them go. I do not want the Senator to say that I am attempting to give a partisan tinge to this question.

Mr. NORRIS. I do not want to do so; but I have been surprised somewhat at some of the things the Senator has said, because I have been familiar with the Senator's activities in Congress. I entered the House at the same time he did, and I voted for certain propositions there affecting labor, just as he did; but he undertakes here every little while to put the responsibility for the lack of legislation on the Republican Party, and then gives a bouquet to the Democratic Party for what they are doing, and in the next breath says that what is being done now is not at all satisfactory; that it is not at all equal to what has been done over in England. Just as a matter of fairness, it seems to me that the Senator——

Mr. HUGHES. I think I have been absolutely fair——

Mr. NORRIS (continuing). Ought to place the responsibility where it properly rests.

Mr. HUGHES. I have not thrown any bouquets at anybody. I very frankly stated that, even if we did everything that the British Parliament did with reference to this question, we would still be leaving the laboring men subject to the laws of the various jurisdictions.

Mr. NORRIS. But we are not doing that; we do not propose to do that by the bill now pending. Does the Senator think that the President would like to have that done?

Mr. HUGHES. I think so.

Mr. NORRIS. It is true that when he signed the bill that was once vetoed by President Taft containing the restriction as to the use of funds allotted for prosecutions under the Sherman law, he also signed a notation in connection with it in which he expressed the same views that President Taft had expressed when he vetoed the same proposal.

Mr. HUGHES. I will say that I do not know whether or not the President would be as willing to go as far as the trades-dispute act goes, because I have never discussed that question with him. I was not a member of either committee having jurisdiction of the matter, and I had no desire to be officious or to attempt to shape legislation with which I had no particular or exclusive connection. I will say, however, that I am perfectly familiar with the reasons why the President made the memorandum with reference to the limitation on the sundry civil bill, and I agree with him in the main. The amendment to the sundry civil bill, as the Senator will recollect, was offered because of a situation which existed in a certain body with which the Senator is more familiar than any man in the United States. The Senator is not going to deny, I know, that committees were choked in a certain legislative body, and that action could not be had along certain lines. The Senator was as vigorous an opponent of the policy that resulted in those things as there was anywhere in the United States—I might say the most vigorous opponent.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield further to the Senator from Nebraska?

Mr. HUGHES. Just let me finish this sentence, and then I will yield.

That amendment was offered as a limitation upon an appropriation bill for the purpose of testing the sense of the other House. It tested the sense of the House, and served its purpose. I do not think it is wise legislation to tie up a fund with a limitation; I do not think it is good legislation to abolish a judge by refusing to appropriate for his salary; I think the best way is to honestly abolish his office, and if I had been the President of the United States I would have been tempted to

say something such as he said. I was the author of the amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. HUGHES. I first yield to the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, I recognize that the Senator was the author of that amendment, and he offered it in the House of Representatives before the present administration came into power. I was one of the Senator's supporters on that occasion and helped in my weak way to put that proposition on an appropriation bill. Then later a similar provision was put on an appropriation bill that was sent to President Wilson.

Mr. HUGHES. I can not accept the Senator's statement as to his help being weak.

Mr. NORRIS. The Senator was not asserting when he was putting the question up to a Republican President that it was improper to enact such legislation, but when a Democratic President takes the same ground he assists him in making his apology. Now, I can see only this difference—and I am surprised to-day that the Senator has so often intimated it in his remarks, because I have always thought a great deal of his independence in the stand that he has taken since he has been a Member of Congress—that he condemns an action if it originates in one political party and apologizes for it when it is consummated by another political party.

Mr. HUGHES. The Senator insists on quarreling with me, but I do not want him to quarrel with me, because he is too good a friend of mine and we have fought shoulder to shoulder on too many occasions for us to part over a fancied difference now, for there is no real difference between us.

Mr. NORRIS. I am not quarreling with the Senator on this provision of the bill; I am in favor of this provision.

Mr. HUGHES. I understand that; I know that without asking.

Mr. NORRIS. And I want to see it enacted into law; but the Senator is not satisfied with it. I am not saying that his proposition would not be better than the one proposed, but because he wants to go further, it seems to me—perhaps I am wrong in my conclusions—because this provision in the bill does not suit him, he is condemning another political party, that is now out of power, because they have not enacted any law along the lines of the British law, and then he turns to his party, which is in power, and says, "You have gone as far as you could be expected to go; you have done well; it is all right; everything is lovely; you have done just what you ought to have done." It occurs to me the rule ought to work both ways.

Mr. HUGHES. Mr. President, the Senator does me a great injustice there. When I referred to our attempt to get another party to act, I was referring to the eight-hour bill, which was enacted into law precisely as we had been attempting and as I had been attempting to get another party to enact it into law.

The laboring people of the United States are satisfied with this legislation. They are afraid to jeopardize their chances of getting any legislation, because they have not much confidence in the real regard of the Congress—I will put it in that way—for them, and they are afraid to jeopardize their chances of getting any legislation by insisting upon getting more than there is in this bill as it came from the House. They are satisfied, and nobody is authorized to go any further in their name. So much for that.

I have been constantly referring to the attitude of the Republican Party toward the laboring people of this country, because the speeches which have been made against this proposition have been made against it in the main on the ground that it was class legislation. It is unfortunate that I have not made myself clear. I have a vivid recollection of the service that was rendered by the Senator from Nebraska and a great many other members, not only of the Progressive Party but a great many members of the Republican Party, for the limitation upon the Attorney General's fund went on a bill in a Republican House. The first time that it ever was offered and the first time, in my recollection, that either House of Congress had expressed its opinion as to whether or not the Sherman law did include or ought to include organizations of labor was at that time when the House was under Republican control.

I regret if I have appeared to show any spirit of partisanship in this matter, because it is not a partisan matter, and ought not to be a partisan matter. It is within the power of the Senate now to give the organizations of labor everything for which they are asking in this bill. Practically, it is possible to take organized labor out of politics in this country and let them divide along natural lines, as they ought to divide. Nobody would deplore more than I the building up of a class-conscious party of any kind in this country.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Rhode Island?

Mr. HUGHES. Certainly.

Mr. LIPPITT. I have been rather interested in the Senator's views as to how labor can get higher wages. As I understand the Republican policy which he criticizes so severely, its purpose is to put a larger sum into the countingroom. The desire of the Senator from New Jersey is that out of the sum that goes into the countingroom a larger precentage shall go to labor, but he criticizes the policy which gives a larger sum to divide.

It seems perfectly evident to me that a policy which tries to put a dollar where it can be divided between capital and labor is infinitely superior to a policy which only puts 50 cents where it can be so divided, and that the division which goes to labor, even if it is only 75 per cent, is immensely greater when it is 75 per cent of a dollar than though it were 85 per cent of a half dollar. Neither labor nor capital can obtain more than the whole of what exists. The Republican policy, from the origination of that party, has been to make a larger fund that can be divided between the parties between whom it must be divided—those who contribute the labor and those who contribute the capital.

Mr. HUGHES. That is true; that is what I was trying to say; but the Senator has said it better than I could possibly have said it. I do not want to get into a discussion of the protective policy; I was only calling attention to it incidentally, as I tried to explain, to show that the Republican Party is not opposed to class legislation, because the Republican tariff laws have been class legislation. You are then legislating for a class, a class of employers and employees. I only touched on that incidentally.

Mr. LIPPITT. Will the Senator allow me just one moment?

Mr. HUGHES. Certainly.

Mr. LIPPITT. The Senator has said several times in the last 10 minutes that he did not want the tariff question to enter into the discussion of the matter which he is considering, but almost before the words are out of his mouth he begins again to attack the tariff policy of the Republican Party. It is very comfortable for him to say "I will attack a Republican policy, but Senators on the other side must not say a word, because I do not want that policy discussed." If the Senator does not want it discussed, would it not be well to refrain from attacking it?

Mr. HUGHES. I have to carry on this discussion in my own way. I am not compelled to yield to the Senator; I can do as he did a day or two ago and decline to yield.

Mr. LIPPITT. On what occasion?

Mr. HUGHES. When the Senator made his last speech, as I recollect, he signified a desire not to be interrupted.

Mr. LIPPITT. I have no recollection of having done so. I think one year ago or so I made a carefully prepared speech, and may then have expressed a desire of that kind.

Mr. HUGHES. I have a right to carry on this discussion in my own way.

Mr. LIPPITT. I have no desire to interrupt the Senator, if he does not want to be interrupted.

Mr. HUGHES. I have not said that I did not want to be interrupted, but I do not like the Senator to direct my remarks into channels which are foreign to the purpose of my argument. I am going to say now that I have not made any attempt to discuss the protective theory as a policy. I have simply called attention to the fact—and I know the Senator will admit it—that the Republican Party is devoted to that theory. It believes in the protective principle. The Senator will admit that, undoubtedly.

Mr. LIPPITT. I even glory in it.

Mr. HUGHES. Yes; undoubtedly. The Senator will also admit that the protective theory contemplates that a man will have the privilege, which is denied to others, of doing business in a certain territory, the aim being for him to get——

Mr. LIPPITT. I will admit that it involves the theory of having an American citizen do things in America that are denied to a German or to an Englishman or to a Frenchman. I do not admit that it denies to any one American citizen the right to do what any other American citizen can do.

Mr. HUGHES. Exactly; I understand the Senator's position; but the protective theory is that a manufacturer will get a little more money for his goods than he would if the country were opened up to foreign competition, and that in turn he will be enabled to pay more wages than he would be able to pay if the country were opened up to foreign competition. The Senator will surely admit that?

Mr. LIPPITT. I would not put it just that way. I would put it a little differently; but the Senator says he does not want to discuss the tariff, and if we go on we will have a very lengthy discussion.

Mr. HUGHES. I know. I do not want to discuss it; but I thought those were protective axioms. I did not know that I was stating anything debatable; and I was then calling attention to the fact that the Senator's party was on record as desiring to favor the American laboring people as a class.

Mr. LIPPITT. Surely.

Mr. HUGHES. That it was class legislation, and they would stand for it so far as it was involved in the protective theory; that is all. I never made a single word of attack upon the protective theory.

Mr. LIPPITT. If the Senator would not confine his remarks to the statement that the protective policy is designed to favor the laborer entirely, to the exclusion of other people in the United States, I might agree with him. I do not understand that the Republican protective policy means that. I understand that the benefit Republicans think accrues from that policy is distributed over the entire American people.

Mr. HUGHES. Yes; I know. The benefits that will flow from this policy will be distributed over the entire United States, but the direct beneficiaries of the protective tariff——

Mr. LIPPITT. Are the people of the United States.

Mr. HUGHES. Well, the direct beneficiary, first, is the man who gets a little more for his goods than he would get if the country were opened up to foreign competition. Surely the Senator and I can agree on that. The Senator ought to be fair and candid with me. I am trying to be fair and candid with him.

Mr. LIPPITT. The Senator is leading me into strange paths, however, or trying to do so.

Mr. HUGHES. I think the Senator finds those paths fairly familiar, but I shall not pursue the discussion any further now. I must insist on saying, however, whether it harrows the Senator's feelings or not, that the Republican Party has claimed to be guilty of class legislation in favor of the laboring people of the United States. I do not think they have. I acquit them, so far as I am concerned; but they have claimed, and they have written it into their platforms, that they have legislated and that they are going to legislate in the interest of the laboring people. They are going to tax, they are going to keep the protective policy in force, not because of its inherent virtues and beauties altogether, but because, directly or indirectly, it helps the laboring men of the United States of America.

Mr. LIPPITT. I agree with that.

Mr. HUGHES. Of course the Senator agrees with that, and that is what I have been saying all along.

Mr. LIPPITT. But I do not agree that it helps only the laboring people.

Mr. HUGHES. Of course the Senator's theory is that after that those benefits are handed down. That is the difference between the Senator's theory and mine.

Mr. LIPPITT. And that is all the difference between the position in which the Senator is trying to place this tariff policy and the position in which I place it. He is trying to argue that it favors only one class. He then goes on to say that it favors all classes, which I agree with.

Mr. HUGHES. I say that the Senator believes it favors all classes. There is no use in my saying to the Senator that I do not believe in his theory. I do not believe in it any more than he believes in mine, but I do not want to discuss it. We have not the time to discuss it. I am simply calling attention to the fact that it does not lie in the mouth of the Senator to criticize this side of the Chamber, or any other body, for passing so-called class legislation, because his whole theory——

Mr. LIPPITT. Does the Senator believe class legislation is right?

Mr. HUGHES. Yes; I believe in class legislation.

Mr. LIPPITT. The Senator believes in passing laws that favor one particular class in opposition to other particular classes?

Mr. HUGHES. Yes. For instance, take this provision in this bill——

Mr. LIPPITT. I just wanted a statement of the broad, general principle. The Senator says he thinks class legislation is right.

Mr. HUGHES. The Senator has just admitted that the protective theory involves a favor to the working class.

Mr. LIPPITT. I have not admitted it at all in the way the Senator means it. I have said, over and over again, that it involves a benefit to all the people. Now, the Senator says that he believes legislation ought to be passed which favors one class to the disadvantage of the others.

Mr. HUGHES. Why, certainly. The Constitution of the United States provides for a class. The Constitution of the United States provides that the press shall be free. If I threaten you with an injury, you may bind me over to keep the peace; you may take other steps; but if a newspaper of the United States threatens to make an attack on you, which may destroy you politically and socially, it is permitted to do it. It takes the consequences and pays for the consequences afterwards; but it can do it. You will find other classes provided for in the Constitution of the United States. Let me call your attention to a class in the bill now before us as it came over from the House. It has been stricken out by the Senate committee, for what reason I do not know; I hope not for the reason that it was class legislation.

Mr. McCUMBER. Mr. President, let me ask the Senator right there, if he will, whether I understand him correctly. If I understood him aright, he said that the press had rights that individuals do not have?

Mr. HUGHES. A man in the newspaper business has rights that other men have not.

Mr. McCUMBER. What right has he to defame another man's character, or to make any false statement, or to do anything else, that an individual has not?

Mr. HUGHES. Why, he has an absolute right to do it. He can not be prevented by injunction from doing it, under the Constitution.

Mr. McCUMBER. Neither can the individual.

Mr. HUGHES. The individual can be prevented from doing lots of things.

Mr. McCUMBER. I should like to know just one thing, if the Senator can point it out to me, that the owner of a paper can do through the instrumentality of his paper that an individual can not do.

Mr. HUGHES. He can injure a man; he can publish a defamatory statement about a man; he can give notice that he is about to do it, and he can continue to do it.

Mr. McCUMBER. Would that protect him any more than it would an individual?

Mr. HUGHES. Why, yes; the individual——

Mr. McCUMBER. Is there any difference between the law of libel and the law of slander, so far as the rights of the citizen are concerned, whether he be libeled by the press or slandered by the individual?

Mr. HUGHES. Why, yes. An individual can be bound over to keep the peace. If he were making verbal statements or written statements calculated to provoke a breach of the peace, he could be bound over. You can not bind a newspaper over.

Mr. McCUMBER. I admit that the press can not threaten that it will do anything of itself against a man.

Mr. HUGHES. A newspaper can go on publishing from day to day defamatory and libelous articles about the Senator, and he can not enjoin it. He can not stop it.

Mr. McCUMBER. But the Senator can have his action for damages against the newspaper, the same as he would against the individual.

Mr. HUGHES. Oh, yes; I started out by saying that.

Now, I want to read another specimen of class legislation which I approve of absolutely—that is, so far as any objection to it is concerned on account of its being class legislation. With the merits of the matter I am not familiar. I do not pretend to be familiar with it, but as this bill came over from the House it contained the language I am about to read. Now, this is a bill which prevents the existence of certain combinations and groups of men, and all that, and prevents combined action along certain lines. It contains this language:

> Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission, but no such agreement shall go into effect or become operative until the same shall have first been submitted to, and approved by, the Interstate Commerce Commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

I quote that simply for the purpose of showing that when you are drawing a broad, comprehensive, and sweeping statute which is going to apply all over the United States of America it is likely to come in contact not only with other laws, but with customs and practices, and by virtue of being a later enactment wipe them out. Of course, it is class legislation. The interstate-commerce act is class legislation. I can charge a poor, unfortunate client of mine as much money as I can get

from him for my services as a lawyer; but the Erie Railroad, which runs through my town, can not charge me what it likes to carry me to the city of New York, because we have made a class out of railroads. A corporation is permitted to do certain things which individuals can not do. Individuals are permitted to do certain things which corporations can not do. The man who holds the stock of a corporation can limit his liability in business to the assets of the corporation, because we have made a class out of corporations. The individual, on the other hand, may have all his earthly goods swept away by an industrial calamity.

We have provided that workingmen who are in the employ of a concern which goes bankrupt shall be preferred; and the first act that a receiver performs when he comes into possession of the assets of the derelict industrial concern is to make the necessary arrangements at the bank and pay wages. That is absolutely class legislation. I am in favor of certain kinds of class legislation and I am in favor of this legislation.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. HUGHES. Certainly.

Mr. CUMMINS. If the Senator from New Jersey has finished with this particular subject I should like to ask him to return to another with which he has already dealt. I do not quite like the way in which he has left the comparison of the English statute with the laws of the United States. The English statute in substance abolishes the distinction between individual action and combined action. That is all it does.

Mr. HUGHES. Oh, it does more than that.

Mr. CUMMINS. Yes; it does. It says, in substance, that people can not be held liable for concerted action if the same thing done by an individual would have been lawful.

Mr. HUGHES. Of course that is a tremendous addition; but that is not all.

Mr. CUMMINS. I will call attention to that. Now, that is all right. Of course the Congress of the United States could not do that, but I think the Senator from New Jersey entirely misunderstands what the application of the English doctrine would be under the antitrust law.

The antitrust law forbids restraint of trade. It makes no difference whether the restraint of trade is accomplished by an individual, by one man, or by 100 men, whether it is accomplished singly or in concert. If we had the English statute, whoever restrained trade would be liable under the law, whether a single person restrained it or whether a thousand persons acting together restrained it. In other words, the offense under our statute is not the combination to restrain trade, but it is the restraint of trade; and therefore, if the English statute were in full force in the United States and in all the States, the result would be just the same. If to do certain things would be to restrain trade, and the English had such a statute as ours, that act would be unlawful.

Mr. HUGHES. I agree with the Senator. I did not mean to be understood as saying that the literal language of the British act would be satisfactory here, or would meet the needs and requirements of the situation here as I see them. I am simply calling attention to the difference between the attitude of the British Government and the attitude of the American Government.

I will say, in deference to my friends here who have been disposed to criticize me for being partisan on this subject, that in the Taff Vale case, when it was demonstrated that organizations of labor in England could be held responsible for going on strike when that strike took the shape of a conspiracy and resulted in damages to an employer of labor, and those damages could be traced back to the men who went on the strike, to their friends who paid them while they stayed out, to their organization which kept them in funds and which encouraged them and persuaded them to persist in the strike—when it became demonstrated that the unions could be held liable for that, and when they were held liable for a large sum of money, £150,000, which they paid, then the British Parliament acted.

Mr. CUMMINS. I am not at all disparaging the English statute, nor am I suggesting that it has not a very great effect. I am only saying that so far as restraint of trade is concerned it would do no good whatsoever to enact the English statute.

Mr. HUGHES. No; I agree with that.

Mr. CUMMINS. There is a difference, in the broad field of human activity, between the lawfulness of the action of a single man and the action of a hundred men in conspiracy or in combination. One man may often do something that would be entirely innocent for the man to do, but which would be criminal for a hundred or a thousand men to do in combination. Therefore, the English statute had a great field for operation; but so far as the restraint of trade is concerned, that is the unlawful thing, and it is just the same whether it is restrained by one man or by a thousand men.

Mr. HUGHES. Yes; but the restraint of trade was the thing in the Taff Vale case.

Mr. NELSON. Mr. President, will the Senator from New Jersey yield to me?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Minnesota?

Mr. HUGHES. Certainly.

Mr. NELSON. I think the Senator from New Jersey is laboring under a great misapprehension as to the scope of the English trade legislation. While in some respects it is very liberal, yet it contains restrictions that we have not known of or thought of in this country. I want to read to the Senator, with his permission, section 5 of the act of August 13, 1875:

> Where any person willfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term of not exceeding three months with or without hard labor.

Then I read section 7 of the same act, which is still in force:

> Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—
>
> 1. Uses violence to or intimidates such other person or his wife or children or injures his property; or
>
> 2. Persistently follows such other person about from place to place; or
>
> 3. Hides any tools, clothes, or other property owned or used by such other person or deprives him of or hinders him in the use thereof; or
>
> 4. Watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place; or
>
> 5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road—
>
> shall, on conviction thereof by a court of summary jurisdiction or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months with or without hard labor.

Now, the change in the legislation of Great Britain which the Senator from New Jersey lauds so much is subject to all those restrictions which I have quoted from the act of Parliament of 1875. There was an amendatory act passed in December, 1906, but it does not modify any of the provisions I have indicated. The only modification in it is that it authorizes peaceful picketing. So while on the one hand, if the Senator will allow me—and I speak by his permission—the British trade-union act seems to be a great deal more liberal than our legislation here is, yet on the other hand it is subject to a class of restrictions that are not found in our statute books, and that would be found very burdensome and onerous to labor in this country.

Mr. HUGHES. I will simply say that British workmen have found the trade-dispute act recently enacted eminently satisfactory. It has enabled them to do what the laboring men of America want to be enabled to do, to preserve and keep their organizations, to withdraw simultaneously from employment, and to do the usual things, subject always to the law of the community in which they are done, during the periods when strikes are on or declared.

Mr. NELSON. But did the Senator observe section 5 of the British act, to which I called attention and which I read?

Mr. HUGHES. Yes; I observed it, and I simply want to call the Senator's attention to this——

Mr. NELSON. What has the Senator to say to that? Does he approve that provision or is he against it?

Mr. HUGHES. I do not recollect the provision.

Mr. NELSON. I will read it again.

Mr. HUGHES. I do not care to have it read to me now.

Mr. NELSON. I should like to know how the Senator stands on that question. Would he like to have such a provision incorporated into our law, or is he opposed to it?

Mr. HUGHES. I should like to have a law as good as the British trade-dispute act; yes; and I know the Senator would not vote for such an act.

Mr. NELSON. I will quote it again, with the Senator's permission.

Mr. HUGHES. I do not want the Senator to read it again.

Mr. NELSON. No; I do not suppose the Senator does.

Mr. HUGHES. The Senator can put it in the RECORD if he likes. I am so indifferent to it that I will let the Senator put me down as being either for it or against it; he can use his own judgment.

I know this: I know that the British Parliament rose at once to the emergency when it saw the difficult situation into which the labor organizations of England had drifted. They had friends in the Parliament, and the friends enacted the legislation they asked, and under that legislation there has not been a single case such as littered the calendars of the courts before. I know that. I know that the question was settled. I should like to have the Senator help me settle it in this country.

American workmen are entitled to as good treatment as British workmen or the workmen of any other country. They do not get it. The legislation in this country is less favorable to workmen than that of any other civilized country in the world, and the Senator knows it, and has helped to keep it as it is.

I have said a good deal more than I intended to say, Mr. President. I think this is a tardy compliance with the just and reasonable demands of the laboring people of this country. In my judgment, there is nothing in this section which justifies the secondary boycott or a boycott of any kind. It simply makes legal that which we all have been taught to believe was legal. It simply interposes the barrier of the arm of this law before an unfriendly Attorney General, who might with great reason and force, it seems to me, go into a court of equity and dissolve by injunction every organization of railroad trainmen, firemen, or engineers who were organized for the purpose of simultaneously ceasing their employment whenever necessary to enforce their demands. That is all it does, in my opinion.

It is possible that at a later time I may have something to say with reference to the other provisions of the bill.

Mr. BORAH. Mr. President, I have been somewhat surprised at some of the views which the Senator from New Jersey expressed, although I agree perfectly with his closing sentence. I think the labor organizations of this country ought to have the right which the Senator says he thinks they ought to have, if we are to measure that right according to his closing paragraph; but there were some views expressed during his able and earnest presentation of this matter that I do not entirely accept.

He eulogizes the British trades act. There are some things in the British trades act which may be commendatory, and which, in so far as our framework of government would admit, might be very properly transmitted to this country. But when the Senator goes further and says that the legislative condition and the general condition of labor in Great Britain are better than in America, I am sure the Senator in his zeal has overstepped the actual facts.

Mr. HUGHES. Mr. President, I do not think I said that, and I did not intend to say it. I said that simply from a legislative standpoint there had been more legislation enacted for the benefit of English workmen than had been enacted for the benefit of American workmen. I want to make that absolutely clear. If there is any doubt about it, I will call the Senator's attention to the pension laws that have been enacted and various other social measures.

Mr. BORAH. I am aware that there are some things that, as I say, are commendatory; but if the weather should turn cool before this debate closes I propose to present the condition of legislation in England with reference to labor and the condition of labor in England with reference to the condition of labor in America, because it will be a startling contrast, not a comparison but a contrast, altogether to the advantage of the workmen of America, of which we ought to be very glad. Labor is not so well paid, not so well housed, not so well clothed, not so well governed as in America.

But that is no reason, Mr. President, why we should not go forward and do whatever is right and proper to be done for the laboring men of this country. I repeat, as I said yesterday, that in so far as it is necessary to protect union labor to go forward and do the things which ordinarily and legitimately any reasonable man would say belongs to union labor to do, I am in favor of going that distance. In fact, Mr. President, I believe I may say, speaking in a general way, that I could go all the way with labor on the hither side of threats and intimidation and violence. I do not believe that there is anything on the hither side of these that I would not be willing to do for laboring men and to enable them to do so far as the Federal Government has power to legislate on the subject. I would protect fully and completely their right to organize, their right to strike, and their right to enforce the strike in all peaceful and lawful ways.

Now, just a word with reference to the protective tariff, which was brought into this matter. He assails the Republican Party most severely and denounces it for legislating for the rich as against the poor, of building up monopoly against the rights and at the cost of labor. It may be that the protective tariff has not been the benefit to the laboring men of this country which men during the campaign assured them that it would be. It may be that their share of the profits have not drifted down to them, and that they have not had their proportion of the world's blessings and comforts. I believe that that is true. I do not believe that labor has had its fair proportion of our prosperity in past years. But, Mr. President, to-day there is estimated to be by laboring men themselves at least 500,000, if not a million, men out of employment. What has brought that condition about I am not going into details at this time to say, but it is the honest, the solemn judgment and conviction of the advocates of a protective tariff that it would assist in ameliorating that condition if it were restored in a uniform way in this country. I may be in error in regard to that, but those who believe in the other policy have not been able to find employment for the 500,000 or million of men who are out of employment in this country to-day. Neither have they by their system of spotted free trade reduced the cost of living to those who have employment, to say nothing of the condition of those out of employment.

But, Mr. President, what is the protective tariff? When does it take and when does it not take? When does it apply and when does it not apply? If there is any particular form of a protective policy found in this country that is peculiarly offensive to Democracy it is in regard to the coastwise shipping in the United States. You have denounced it on every stump and filled the debates here with anathemas. If there is any form of protective policy which has been designated, individualized, and legalized and made a monopoly, it is the coastwise shipping proposition which we had before us a few days ago in this Senate Chamber.

Last Friday when we adjourned and that matter was before the Senate there was scarcely a quorum to be found in Washington, and the lack of interest and apathy upon the part of legislators was phenominal. But the legislation having been postponed from Friday until Monday, practically every Senator of the United States was then in his seat, and the forces and the influence which have sustained this form of protection in this country in its most aggravated and indefensible form were in Washington before Monday morning's sun had risen. And the party always denouncing this monopoly, this form of protection, retreated from their report and from the report of their party and perpetuated further the most offensive form of monopoly that protection could possibly foster in this country, as our Democratic friends view it.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. KERN. I was about to say—

> Thou canst not say I did it; never shake
> Thy gory locks at me.

Mr. BORAH. That is true; and I could say more than that in compliment to the Senator. I am far from criticizing his course on this or other things.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield.

Mr. ASHURST. Supplementing what our distinguished leader the Senator from Indiana [Mr. KERN] has said, I wish to say also that I claim to be one who has stood by the true Democratic doctrine and stood by the report of that conference committee and voted last Friday as I voted on the 11th of June upon the amendment offered by the Senator from Missouri [Mr. REED] to permit all ships to enter our coastwise trade.

Mr. BORAH. Mr. President, I was not looking at the Senator from Indiana or the Senator from Arizona. I will confine my "looks" now entirely to this side of the Chamber in order that I may not be supposed to criticize anyone, in person or in particular.

Now, Mr. President, I believe in a protective policy and in the principle of protection. I do not believe in its application in spots or in sections. I do not believe in protecting shipbuilding and protecting peanuts in the State of Virginia and in putting wheat and barley upon the free list. It is but a question of applying the principle. If it is applied with universal effect, so that it may reach Nation wide, building up industries, energizing labor, affording opportunity and inducing initiative, it is a great system. If it is not thus applied, it becomes a special privilege, and is intolerable and indefensible.

Mr. President, a word with reference to the limitation on the sundry civil bill to which the Senator from New Jersey [Mr.

HUGHES] referred. He said it was put into the bill for the purpose of testing the sense of the House—a Republican House—and that when it was brought over here it had served its purpose. But the Senator from New Jersey, in a very earnest speech upon this floor, advocated its passage through the Senate for the same reason, I presume, that he urged its passage through the House—not to test the sense of the Senate and not to test the sense of the House, but because he said that the great organization of which he was a humble member was now prepared to do justice to the laboring men, who had been so long delayed in securing the justice to which they were entitled.

I took occasion to say upon the floor of the Senate at that time that attaching that limitation to that bill was a piece of hypocrisy and a fraud. I read in Mr. Gompers's great association paper within six months thereafter that it was a fraud, that the prosecutions wherever they arose proceeded just the same, that the law was enforced just the same, and that while they had asked for bread they had been given a stone.

Furthermore, Mr. President, the Senator tells us that certain Members of the House, as I understood, after serving the Manufacturers' Association, and doing their work on the floor of the House, were selected out and put upon the Federal bench for the purpose apparently of protecting the manufacturers and the monopolies of this country. It was a serious charge to make. It was a direct impeachment of the honor of a Republican President and a most serious assault upon the bench. If any man has been placed upon the Federal bench for that purpose and there is any proof of that fact, it is not too late yet to know whether or not he is serving his masters who placed him there, and it should be investigated. I hope the Senator, in the cause of good and decent government, will withhold no fact.

But again, Mr. President, if the Senator wants to raise the question of serving monopolies, and of the close relationship between political parties and the interests, and selecting men who represent the monopolies to go into high place, what is the difference between selecting some single individual from the House of Representatives to go upon the Federal bench, where he is checked up by other judges and his opinions supervised and reviewed by the great Supreme Court of the United States, and selecting as the representative of one of the condemned monopolies of this country a man who had helped to build it up and defend it to take charge of the currency of the country, which indeed is no less than the lifeblood of the Nation? Does the Senator think that his party in these days is in a position to boast or to flaunt the record of anyone?

Give me the power to control the currency of this country, to contract and to inflate the currency, and I do not care who renders your decisions; I will build my fortune so high and spread my influence so far that no petty Federal judge can reach my power.

I would rather if I were seeking power and wanted to have close and effective alliance between government and monopoly to have control of the Federal Reserve Board than any single place in the whole structure of government. I am not impeaching the action of anyone, but it requires some effrontery, in view of lately written history, for Democracy to be talking of close alliance with the "interests."

Mr. BORAH. Mr. President, it is a common, and, I think, a deplorably common thing in these days to be always assailing the courts. I do not sympathize with this wholesale assault.

I do not claim that the courts do not err; they sometimes err signally and pronouncedly. I do not claim that they always administer justice with an even and exact hand, for judges are human and the passions and prejudices, the limited vision and the clouded mind which sometimes attach to their kind are also theirs. I do not claim that they are always free from political bias or at all times wholly exempt from that strange attachment which in a republic sometimes places party above the common welfare, for Presidents and governors and electorates in selecting judges do not always seek men most likely to resist such influences. But I do claim that of all the methods and contrivances and schemes which have been devised by the wit of man for the adjustment of controverted judicial questions and the administration of justice the courts and the machinery of the courts, built up from decade to decade and from century to century, built of the experience and the wisdom of a proud and freedom-loving race, the courts as they are built into our system, though not perfect, are the most perfect. They will not always be abreast of the most advanced opinions in the march of progress, but that they will in due time mortise and build into our jurisprudence all that is permanent and wise and just, all that a settled and digested public opinion finally indorses, no one familiar with the history of our jurisprudence can for a moment doubt. Not only that, but more than once the courts, both in England and America, have stood as the sole protector in the hour of turmoil and strife for the rights of the weak and the poor, the oppressed and the hunted, when the executive and the legislature have yielded to the whip of the strong and the powerful. I need recall only one instance in the hurry of this debate, though I might recall a hundred, beginning with the days of Coke's courage, and that is the instance wherein our own great Supreme Court preserved against the encroachments of war and the hunger of hatred the right of trial by jury, a most sacred right of the American citizen and without which the whole scheme of a republic would be but a delusion and a torment.

After the courts then what? When the courts can no longer stay the steps which may lead to violence and bloodshed, then what? When the arm of equity can no longer be extended to hold things in abeyance until rights can be adjudicated and reason and counsel can have a hearing, then what? Be not deceived. The alternative is the soldier and the bayonet. One can not be oblivious to the alacrity with which wealth in these days is prone to appeal to the soldier. When a delegation of workingmen informed me a few months ago that their fellow workmen had been arrested without warrant, tried without a jury, sentenced by no court—that at a time when the courts were open and in the midst of an intelligent, prosperous, modern American community men had been herded before a military tribunal, given the semblance of a trial, and sent to prison, it seemed incredible. For nearly 600 years no such repulsive scene had marred the story of the orderly development and growth of Anglo-Saxon jurisprudence. Our English ancestors had executed the petty tyrants who had last attempted it. I did not suppose that here, where jury trials and common-law courts were a guaranty—a part of our system of law and justice—that anyone would be so blind, so cruel, so witless as to covet the infamy of rehabilitating that discarded and detested dogma—the power of suspension. Nevertheless it was true. Since that time, in three other States, the workingman has settled his troubles out of court where counsel may be heard and witnesses testify, settled them at the point of the bayonet. What a glutton arbitrary power is for the rights and the interests of the weak. It generally comes forward at the bidding of the rich and the powerful and preys upon the interests and rights of the poor and the helpless.

These men who came to me were asking for what? They were asking for a hearing in the courts, before this tribunal, whose judgments they informed me they were willing to take. They were praying for the common-law court and its machinery just as it had been worked out and fought for in the humble days of our English ancestors to the humble days of their descendants on Paint and Cabin Creek in one of the great Commonwealths of this Union. And what was the answer to the charge when we arrived upon the ground? When we asked why have these men charged with offenses under the statute and guaranteed a trial in a common-law court been denied the right of the humblest citizen when charged with crime, what was the answer? The answer was not that riot and war had closed the courts, but that excitement and feeling in the community would render them ineffective in all probability. When we inquired further, the fear was that these laboring men would likely be acquitted. What, before the courts, acquitted under the processes and according to the manner that guilty men have been punished and innocent men acquitted for ten centuries? Then they must be innocent. But the logic seemed to be that, guilty or innocent, they must be punished. Force must be established and certainty as to results must be had. So, the strong fled from the courts of justice, suspended—what an infamous lie—yes, suspended by force the constitution of the State and the Nation, selected a military tribunal, called the judges from the guards who were in charge of the prisoners, tried them in groups, and sent them in droves to the penitentiary. Do not the workingmen understand that in the end their fight will be to maintain these courts in all their purity, independence, and strength? Do they not understand that if we can not have somewhere an independent tribunal, free from the passions and conflicts of contestants, to distribute justice, civilization must do again what it has done in the past—crumble and fall? Does not the average citizen of this country, whoever and wherever he is, understand that in the end he must find justice here in these tribunals or not find it at all? Does he not understand that after they are gone and law and order have departed he will shortly come to be the victim of violence and cruelty and injustice, the plaything of arbitrary power?

There comes a time, Mr. President, when every man and when the people in every walk of life seek shelter under the calm,

determined, beneficent power of a great government, rely upon its impartial strength, and accept with gratitude its means and methods of measuring and distributing justice. Men should seek to build a government which has no classes, grants no special privileges, recognizes no creed, and fosters no religion. It is a blind and shortsighted policy to suppose that you can curtail the functions of government in order to bestow favors, for when you have done so you have already weakened government for the prevention of wrongs. The fruits of industry, the wages of the toiler, the income of capital are all affected, fostered, encouraged, and sustained to the extent that order and law obtain throughout the land. While a strong and fearless government may sometimes seem quick to prevent those steps and block those paths which seem to lead to violence and bloodshed, yet ultimately the benefits to flow from such procedure must redound to the peace and happiness, the contentment and prosperity of the whole people. It was Liebknecht, the great socialist, who truly said, "Violence has been for thousands of years a reactionary factor." Show me a country without courts fully equipped in every way to deal with all the intricacies of each particular case as the facts appear; show me a country with its business and industry under the clamp of bureaucracy, its courts weakened, cowardly, and powerless, and I will show you a country where the laborer is no better than a slave—the miserable, ignorant, unclad dupe and plaything of arbitrary power.

The VICE PRESIDENT. The question is on the amendment of the committee, which the Secretary will state.

The SECRETARY. On page 7, line 13, after the word "organizations," strike out the words "orders, or associations."

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. On page 7, line 16, after the word "organizations," strike out the comma and the words "orders, or associations."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The SECRETARY. On page 7, line 16, after the word "from," strike out the word "lawfully."

Mr. CUMMINS. Mr. President, this may be as appropriate a time as any other to express some views I hold with regard to the subject embodied in this seventh section.

I am not satisfied with the legislative expression found in the section now under consideration, but before I point out wherein I believe it might be strengthened and bettered I desire to pay some attention to the remarks of the Senator from North Dakota [Mr. MCCUMBER] and other Senators who have viewed the matter from his standpoint. He assailed this legislation, and many eminent citizens have assailed it, because it is alleged that it is class legislation, because it is said that we are here permitting certain people to do an act which if done by others would constitute a violation of the law.

I am not myself opposed to class legislation. Three-fourths of all the legislation adopted by Congress is class legislation. It is necessarily so because a general law will not accomplish the purpose that Congress has in view. But this particular legislation does not fall within the objection.

We have a statute which prohibits and makes unlawful restraints of trade. I agree with the Senator from North Dakota that a restraint of trade is as objectionable if brought about by a labor union as though brought about by a monopoly. But it is not always true that an interference with commerce on the part of a labor union is a restraint of trade.

I intend presently to ask the attention of the Senate to some observations with regard to the law of the matter, but just now I bespeak your consideration for one phase of this subject that hitherto has not been touched upon.

Labor organizations brought together for the purpose of enhancing or advancing wages, bettering the conditions of labor or lessening the hours of labor, can not in the very nature of things be a restraint of trade or commerce. Mark you, I am not now considering what the individual members of a labor organization may do. I am not considering how they may impede commerce in the execution of the objects of their organization. I am simply suggesting that an organization of workingmen who associate themselves together for the purpose of lifting up the plane upon which they live and labor can not be a restraint of trade.

I wonder if it is constantly in our mind that labor, even in a country as fortunate as our own, does not receive a compensation that will enable those who work for wages to adequately discharge their duties as citizens. We have in this country 20,000,000 people who may be called wageworkers. I have no information and can get none with regard to the average compensation of these 20,000,000 wageworkers, but I have information concerning a portion of them which I desire that Senators shall hear and remember during the remaining part of this debate. In the census of 1910 those who were collecting the information investigated the manufacturing establishments of the United States as defined in the law providing for the Thirteenth Census. I want, first, to read what the word "establishment" means, in order to show the scope of the investigation:

> The word "establishment," as used in the Thirteenth Census, is defined as meaning one or more factories, mills, or plants owned, controlled, or operated by a person, partnership, corporation, or other owner located in the same town or city, and for which one set of books of account is kept.

In these establishments turning out a product of $500 or more there was an investigation made, and they numbered, in all, 268,491. In these 268,491 establishments there were employed an annual average of 6,615,046 men and women.

I have just stated the average number employed in these establishments during the year 1909. These employees or wageworkers were paid, and I am confining my remarks now to wageworkers exclusive of clerks and salaried officers. The amount paid to these 6,000,000 and more wageworkers during the year 1909 was $3,427,038,000. So the average amount received by each of these 6,000,000 of wageworkers in the establishments to which I have referred was $518 per year. If I could have gathered the information respecting the 20,000,000 comprising all the wageworkers of the United States, I venture to say the average received by all of them would be under rather than over the sum I have mentioned. So we are expecting these 20,000,000 of men and women who constitute the bone, the sinew, the strength of the Republic to live; we are expecting them to support families and educate their boys and girls and train them into good citizens, to feed and clothe them, so that they may be respected members of society, upon $518 per year.

If this be true of the most fortunate Nation on the face of the earth, where opportunity is wider, where the rewards of enterprise and energy are richer than in any other country in all the world, I ask the question of those who seem to doubt the wisdom or the propriety of aiding these working people in enlarging their compensation and in bettering the conditions of their labor if they do not know that the life and the safety of the country depend upon the enlargement of the opportunities and the increase of the wages of our working men and women? Do you not know that unless we are able in some way to put into their hands as compensation for their labor a sum sufficient to inspire hope in their hearts and ambition in their souls, to enable them to hold their confidence in their country's institutions and their hope in the future, the experiment which we have been so brilliantly trying in the last century is doomed to dismal failure? These 20,000,000 of working men and women must be hopeful; they must be intelligent; they must be virtuous; they must be honest; they must be ambitious for themselves and their families, if free institutions in the world are to survive.

Then, why should not these workingmen and working women combine, associate themselves together, in order that their wages may be increased and the conditions under which their labor is performed may be bettered? There is no danger, Mr. President, that the workingman or the working woman will ever receive more than an adequate compensation for the labor performed. There is a potential competition always confronting wageworkers that will inevitably reduce the compensation far below the point at which it should in equity and in good conscience rest. These men and women grow hungry, and they must eat; they must clothe themselves; they must support their families; and these necessities compel them to work at whatsoever wages they may be able to secure. Idleness for any great length of time and among any great proportion of them is absolutely unthinkable and impossible.

For these reasons, Mr. President, I have never been one of those who have had any fear of combination among wageworkers. I believe that it ought to be the policy of this Government to encourage such combination and association. I believe we ought to lend a helping hand to their efforts to advance their condition in life, knowing that with all their energy and with all the assistance we can give them they will never be advanced in fortune or in property beyond the point necessary for comfort and happiness.

This is the beginning, I think, of all consideration of this subject. I do not see how anyone can investigate it without first learning and pondering upon the facts that I have so meagerly stated.

Let us take the next step. We have been debating this bill, and I have heard the subject debated a thousand times upon

the hypothesis that the labor of a human being is of the same quality and order as a bale of cotton, a barrel of flour or a bushel of corn. I repudiate the parallel and the comparison. It is because we have been in the habit of thinking of labor as a commodity that we have fallen into many mistakes which now impair and mar, I think, both legislation and judicial opinion. The labor of a human being, whether it be of the mind or of the hand, is not a commodity. While we are in the habit I know, of saying that a workingman has nothing to sell but his labor it is a confusion in thought and in terms. Labor is not a commodity; it is not an article of commerce; and when the Constitution of the United States gave to Congress the authority to regulate commerce among the States, it did not give it the right to regulate labor, the disposition of the energy of the human being.

If we would begin as we ought to begin, with the understanding that the power of a human being to work, to produce something, is not a commodity or a subject of commerce, we would reach a saner and better conclusion than we have heretofore announced.

It may be said that the distinction that I have drawn is technical rather than substantial. Not so, because out of it grows this proposition which is now admitted everywhere, which was declared in the Senate yesterday without dispute, namely, that it is the right of a human being to work or to refrain from working, as he deems best. Under our form of government it is not a thing that can be or ought to be controlled by the law. We have a right to say that one who refuses to work, and in that way becomes a burden upon society, shall no longer be a member of that society; we have a right to expel him from society; but we have no right under our form of government to say that he shall work; we have no right to say for whom he shall work or the vocation in which he may choose to employ his power of body or of mind. There is no inconvenience to organized society brought about by the refusal of a man or of a woman to work which can override the inherent and fundamental right to refuse to work or to refuse to work at a particular employment for a particular compensation or for a particular employer.

Therefore, when we speak of a restraint of trade or of commerce, when we prohibit, as we did in 1890, any person or any combination of persons from restraining trade or commerce, we did not prohibit one man alone, a thousand, or a million men from refraining from work, and we did not and we could not make it a crime for that one man or a thousand men in concert to advise or persuade other men to refrain from work.

Why, Senators, there is a propaganda going on all the time, and has been for years in this country and every other, for a complete change in the form of government. It might just as well be alleged that the movement for socialism is a restraint of trade and commerce as it is to allege that a strike or that the persuasion on the part of strikers brought to bear on those who are still at work to cease to work is a restraint of trade or commerce. After all, it is the privilege of free speech, it is the privilege of carrying forward a movement respecting the rules of society—respecting the belief of individual members of society; and I have never been able to understand how any man could believe that a labor union, the purposes of which are to advance the standard of wages, lessen the hours of employment, or better the conditions under which labor is performed, is a violation of the antitrust law.

But there are a great many people in the country who do believe it is a violation of the antitrust laws, precisely as it would be a violation of the law if a hundred manufacturers were to come together and agree that their products should be sold at a common price without any rivalry or competition between them. A combination or contract of that sort would be a violation of the antitrust law before a single act was performed, save the mere execution of the contract itself. That contract has to do with commodities, with the subjects of commerce, with articles that are transported from place to place and bought and sold in the markets of the world. A contract or an arrangement between men who have nothing to give but themselves, nothing to employ except the power of their own bodies or of their minds which they have, and which they can give or refuse as they choose, such a contract or arrangement as that, as it has always seemed to me and as I believe the better opinion of the courts is, can not be adjudged to be a restraint of trade.

For that reason I repudiate entirely the argument that we are here segregating a class, and exempting that class from the operation of the law and permitting its members to do the very things which other members of society are not permitted to do. That is not true; and if it had not been for the ill-considered judgment of some courts, if it had not been for the hasty and ill-advised expression of some judges, the matter contained in section 7 could never have been brought to the attention of Congress.

There never has been a decision—I emphasize the word "decision"—by any court that a labor union for the purpose I have so often described is in and of itself a violation of the law, or, in other words, a restraint of trade or commerce. There has been much argument that such a union ought to be considered as a violation of the antitrust law, but I think I speak advisedly when I say that no court has ever decided that such a union is within the prohibition of the antitrust law—I mean, now dissociated from any act performed either in the collective capacity of the union or by individual members of the union.

It is, however, as it seems to me, fair and just, in view of the disputes that have arisen from time to time and the differences of opinion which are everywhere manifest, to make it perfectly clear not by exempting a class and saying that we will not hold that class responsible for a violation of law, but by giving a legislative interpretation or construction of the law, by declaring, as we ought to declare, that labor is not a commodity, and that associations of laboring men for the purpose of lifting the level of their lives and increasing their compensation and other things that make existence a little more tolerable do not constitute a restraint of trade. We are not excepting them; we are simply declaring, so that all men may understand, so that hereafter there may be no difference with respect to it, that these unions thus organized are not restraints of trade. We ought to have done it long ago and preserved this country from many a disastrous and irritating controversy.

I have spoken about the right of the employee, the wage earner, to work for whomsoever he pleases or not to work at all. On the other hand, the right of the employer is corelative. The employer has a perfect right to hire whomsoever he pleases or to hire no one. His right in that respect, so far as labor is concerned, is just as well intrenched in the law and in the civilization of the time as is the right of the employee. We can not compel an employer—I am now passing over the question of public corporations which have assumed a duty under the law to the public—but in ordinary industry we can not compel an employer to employ men; we can not compel him to continue his business, to continue the risk of the capital he has invested or the operations which have been theretofore a part of his business; and his refusal to employ men or women can not constitute a restraint of trade.

If we are to recognize this higher right of labor to be dealt with in the manner I have already described, the question then always is—and we might as well look at it plainly and courageously—not whether labor organizations may be brought together for the purpose of general improvement, but what may the members of the associations lawfully do in order to accomplish their purposes?

There has never been any serious dispute hitherto with regard to the mere existence of a labor union, but there has been a very wide range of dispute with regard to what the members of the union can properly do in order to make effectual the purposes of the union, and the whole war has gathered around that issue. Let us see. If it be taken for granted that my view of labor is the correct view and that men may strike or quit their employment when they please, singly or in concert, and that they may persuade other laboring men to quit employment, singly or in concert, the next question—and it is the most difficult and perplexing question of all—is, What may these employees who choose thus to exercise their unquestioned right fairly do in persuading those whom their former employer desires to substitute in their places to refrain from working?

I believe that nine-tenths of all the cases and the overwhelming proportion of all the trouble that has arisen has arisen in the attempt to draw that line; that is, to determine the extent to which the strikers may go in interfering with the admitted right of the employer to substitute other wageworkers in the stead of those who have quit his employment.

The second question, which is of equal difficulty, is, How far may the employees who have thus quit employment go in interfering with the business of their employer; that is, with the sale and distribution of the commodities or articles produced by their employer?

These are the two things that are material in this bill. All that part of the bill which relates to the strike, which relates to the organization itself, is simply the expression of a universal understanding of the subject; but when we come to determine just how far the strikers may go in order to render their cause successful or their strike effectual we meet a difficulty that is not easy of solution.

This particular section does not deal with that question at all. There is a section in the bill, however, which does deal with it; and when the proper time comes I intend to offer a sub-

stitute for section 7 which shall declare the law as to labor unions, which shall recite what they may do, and leave the power of the courts in administering their rights as it now is.

I have never thought it wise, as is done in section 18, to attempt to declare that an injunction shall not be issued to restrain a person from doing so and so. I have believed that we ought to say that it is not unlawful for persons to do so and so; and if the act itself be not unlawful, no court can prohibit it by way of injunction, nor can any court penalize it by way of damages. Our code with regard to labor unions ought to be contained in section 7 instead of section 18. I shall present at the proper time—I do not think this is the proper time—a substitute for that section, dealing with it in that way.

Now, a word or two with regard to the section itself as it now is. I said I was not satisfied with it. I am not. I am not satisfied with it, first, because in the description of labor organizations the purposes for which the members of such an organization can combine are not stated. What are labor organizations? We understand fairly well what a labor union is, but a labor organization, as stated in the bill, may be anything that pertains to labor; and if it be confined to laboring men, as it is not always, there is not a suggestion as to the purposes for which they can lawfully organize. No one would contend that the members of a labor organization could come together for the purpose of destroying the property of an employer. No one would contend that a labor organization could embody in its articles of association any immoral or any unlawful purpose; and yet the bill as it was proposed in the House, and as it came to the Senate, and as it still is, does not attempt to define the purposes for which a labor organization can be created.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. CULBERSON. The Senator says the bill does not attempt to state the purposes for which the organization may be created. I call the Senator's attention to the fact that the bill provides that labor organizations instituted for purposes of mutual help, and not having capital stock or conducted for profit, are legalized.

Mr. CUMMINS. Of course every association is for mutual help.

Mr. CULBERSON. I was not arguing the sufficiency of the designation, but I wanted to attract the attention of the Senator to the fact that the attempt was made in the bill.

Mr. CUMMINS. Yes; I understand. The point I make is this: We recognize the wisdom, indeed the necessity, for the organization of laboring men, the purposes being to increase their compensation, to lessen the hours of their labor, and to render more tolerable the conditions of labor. Those are the objects of such a labor organization as should be authorized and encouraged in the law; but we, very inadvisedly, and I think with hardly a fair comprehension of the subject, have simply denominated these organizations which are declared to be not within the antitrust law labor organizations organized for mutual help. I am sure that when we reflect upon it we will go back to the old definition, the definition contained in the English trade act, the definition contained in every act that I have ever known to be presented here until this one, namely, labor unions or labor organizations for the purpose of increasing wages, lessening hours of labor, and bettering the conditions of labor. We can not afford to say that every labor organization, no matter what its purposes may be, is unobjectionable under the antitrust law.

I pass on now to the next part of the section. I have already given my view with regard to the character of labor and why laboring men have a high right to combine with each other to advance their own interests. We find in this section a proposal to extend the same immunity to agricultural organizations and horticultural organizations.

I should like some person who understands the subject better than I do to tell the Senate what an agricultural organization is. I venture to say that an organization of Chicago packers, for the purpose of buying all the live stock of the country, is an agricultural organization. I venture to say that an association which was to take into one ownership as trustee all the cereals of the United States or all the cotton of the Southern States would be an agricultural organization.

It does not confine the immunity to farmers' organizations. I would not be for it even if it were so confined, for I do not believe the farmers of this country desire that their commodities should be so treated. They deal in commodities precisely as a manufacturer deals in commodities. The farmer produces a commodity, and he produces it either for consumption or for sale. I venture to say that the farmers of this country do not desire the privilege of uniting their commodities in a single association or under the control of a single association so as to enhance by that combination the prices at which these commodities shall be sold.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. The Senator comes from a State which, perhaps, has the largest agricultural product of the country, and that is a good deal for one from Ohio to admit. I wish to ask the Senator whether, in his State, there is any sentiment among the farmers in behalf of this exemption? I have not learned of any from my State.

Mr. CUMMINS. If the Senator means to ask me whether there is any demand among the farmers of my State for an amelioration or change in the law that would permit agricultural products to be monopolized, and thus affect their prices, there is no such demand. If, on the other hand, he means to ask me whether they desire to continue to have county fairs and harvest homes and old-settlers' picnics and other organizations of that kind, largely composed of farmers in my State, I say unhesitatingly "yes." I have never heard it suggested, however, that these associations where farmers gather together in a neighborhood, a county, a State, for the purpose of exchanging information, of increasing acquaintance, of cultivating good fellowship, were contrary to the antitrust law. I have never heard anybody suggest anything of that kind, and I think it has never been asserted. If this clause with regard to agricultural associations has any effect whatsoever, it must be that it is intended to allow associations that can control the commodities which farmers produce as to their prices. I assume that a provision which would permit an association to control their prices in an upward way and would also permit some other association to control their prices in a downward way.

I ask again, What is an agricultural organization? I have referred to the dictionary and other sources of information with regard to the meaning of the word "agricultural," and I find that the very first definition of the word is "of or pertaining to agriculture; connected with agriculture." It would be entirely within the meaning of the words "agricultural organization" if we were to find an association not one member of which was a farmer or who produced the commodity, but the members of which were associated together for the purpose of affecting agricultural products.

I almost fear that such an association as the International Harvester Co. is an agricultural organization. If it were not a corporation organized for pecuniary profit, it certainly would be an agricultural organization; and it would be the easiest thing in the world to organize a like concern the purpose of which was to benefit pecuniarily its members, and in which the organization itself would have no pecuniary profit and no capital stock.

I am not in favor of this invasion of the antitrust law. It is wholly different from the subject of labor, for it deals in commodities and in articles of commerce and not in the human power which produces commodities or articles of commerce. We shall regret it if we make this inroad upon a statute upon which we have come to rely with so great confidence.

If the section is limited merely to those associations of farmers and of fruit growers who come together, as we see every year, for mutual help—that is, mutual information—that is another thing. We have these associations in every vocation and every industry in the United States. We have the farmers' organizations; we have the retail dealers' associations; we have the wholesale dealers' associations; we have the manufacturers' associations. We have associations, I think, in every vocation in which people are engaged. No one has ever pretended that these organizations are in restraint of trade. It is absurd. We are in danger of becoming hysterical with regard to the construction of the antitrust law.

It was not designed to prevent cooperation of the sort I have indicated, and there is no demand for introducing the clause I have recited in this section unless it is intended that through these organizations there may be a monopolistic price attached to some commodity produced through agriculture or through horticulture. I know that the country not only does not demand a change of that sort, but it will resent a change of that kind.

When the time comes, Mr. President, I intend to offer a substitute for the section. I have it before me now. It may not be literally perfect, but it expresses my view of the matter vastly better than the provisions of this bill. While I do not offer it

now, I intend to take the liberty of reading it just at this moment, so that Senators may be advised of its general scope:

SEC. 7. The labor of a human being is not a commodity or article of commerce, and nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor organizations having for their objects bettering the conditions, lessening the hours, or advancing the compensation of labor, nor to forbid or restrain individual members of such organizations from carrying out said objects in a lawful way; nor shall said laws be construed to prevent or prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to work or from advising or persuading others, in a peaceful, orderly way, and at a place where they may lawfully be, either to work or abstain from working, or from withholding their patronage from a party to any dispute growing out of the terms or conditions of employment, or from advising or persuading other wageworkers, in a peaceful and orderly way, so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value, or from assembling in a peaceful way, for a lawful purpose, in any place where they may lawfully be, or from doing any act or thing which might lawfully be done in the absence of such dispute.

So much of it refers to labor. I cover the remainder of the section in this way:

Nothing contained in said antitrust laws shall be construed to forbid the existence and operation of agricultural, horticultural, or commercial organizations instituted for mutual benefit, without capital stock, and not conducted for the pecuniary profit of either such organizations or the members thereof, or to forbid or restrain such members from carrying out said objects in a lawful way.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. I should like to ask the Senator from Iowa a question. If his substitute were adopted, and laboring men anywhere in a laboring man's newspaper should publish, under the head "We do not patronize," the names of JOHN SHARP WILLIAMS and various other people, could not they be prosecuted under the law as it then would be?

Mr. CUMMINS. Mr. President, I do not think so, if I understand the question of the Senator from Mississippi. I may state my purpose in this amendment, so that the Senator may at least read it in the light of my object.

Mr. WILLIAMS. Yes; I listened to the Senator.

Mr. CUMMINS. I believe in the strike. I believe the direct boycott of the offending or unfair employer is a fair weapon. I do not believe in the secondary boycott. I do not believe labor unions or any other organizations ought to be permitted to combine together to injure or destroy an innocent man because he may have dealings with a person who may be unfair to labor.

Mr. WILLIAMS. That is not quite the point I had in mind. I understand that; and I, like the Senator, believe in "boycotts," in the sense in which he is now using—that is, the right to refuse to patronize—not, of course, in the original sense of the word as derived from the fate of the unfortunate Capt. Boycott. When our forefathers made ready to resist Great Britain, the first thing they did was to boycott British goods; and I remember a time in the hard struggles of carpetbag days down South, when a man who was a large manufacturer in Indiana gave utterance to some very bitter expressions about the southern people, when mass meetings were held everywhere, and resolutions were passed that they would not buy any of his manufactured products, and they did not until he apologized by the explanation route, all of which I believe to be perfectly right. I go further. A man might come out to-morrow—take my own church as an instance, not that I am much of a churchman—and say that Episcopalians were all sorts of wicked and bad things, and tell all sorts of lies about them. I think the Episcopalians would have the right to agree, not only one Episcopalian but all of them, in one combined voice that they would not patronize that man, and ask fair-minded men everywhere not to patronize him.

Mr. CUMMINS. Undoubtedly. That is the primary boycott.

Mr. WILLIAMS. I believe civilization depends very largely upon the operation of the moral sense of a community, through ostracism, at times, if necessary, and frequently through what may be called a qualified boycott, but the point I had in view was the direct one, not the secondary one at all.

The Senator will remember that the labor unions were enjoined from putting upon a black list a certain manufacturer of hats, and that after that, obeying that injunction, they merely published the name of that manufacturer of hats under the heading: "We do not patronize."

Now, that was all there was to it; and yet, under that, and because of that, those men were held up for violating the injunction and were about to be punished for contempt. I do not know whether they ever have been punished or not. I believe the statute of limitations intervened somewhere and they were not punished. I regarded that as one of the most high-handed pieces of judicial tyranny that ever has been perpetrated in any country in the world.

Mr. CUMMINS. So it was.

Mr. WILLIAMS. The Senator will also remember another case where certain men were enjoined from quitting work. Now, that was a sympathetic strike; but I never could see a reason why a man should not quit work for any reason that was good to him, or without giving or having any reason.

Mr. CUMMINS. Nor I, either.

Mr. WILLIAMS. Nor why any number of men should not combine to quit work for any reason that was good, or without any reason.

Mr. CUMMINS. I have insisted on that so often this afternoon that I am simply guilty of gross reiteration when I say that I believe so, too. I think a man has a right to quit work alone or with his companions, with agreement or without agreement.

Mr. WILLIAMS. Primarily or sympathetically.

Mr. CUMMINS. It does not make a bit of difference; but the point I make is this: Here were certain hat makers in Danbury, Conn. They had a dispute with their employer, and it grew into a bitter warfare.

I am looking at it now from my own point of view. The employees had a perfect right to say "We will buy no hats made by this concern, and we will ask everybody else to wear no hats made by this concern," but they come to a dealer in my town, a clothing man. Hats are simply one of a great many articles that he carries. There are cuffs, collars, neckties, shirts, and a thousand other things in his stock. I do not believe that they have any right to come to him and combine and say "Unless you quit buying hats of the Danbury man we will not buy anything from you; we will cease to buy your neckties and your shirts and your clothing and your boots and shoes and everything else that you may have to sell." I do not believe that that is a fair weapon in the war.

Mr. WILLIAMS. Mr. President, I agree with the Senator that that is going to a very unwise and extreme extent; but that does not touch the question of right. Have I not a right to refuse to deal with a man for any reason, say, because he is red-headed, and have I not a right to agree with other people not to deal with him because he is a red-headed man?

Mr. CUMMINS. You have a perfect right to refuse to deal with him, but you have no right to combine or to enter into a conspiracy with a thousand other people that they will not deal with a certain man because he is red-headed.

Mr. WILLIAMS. Leaving that out, we both agree, at any rate, that that would be carrying things to what I consider an unfair extreme.

Mr. CUMMINS. Yes; that is what I claim for it.

Mr. WILLIAMS. But a man has a right, to carry it to that extent, as far as I can see, in combination or otherwise, though it may be a right which it is foolish or even not fair to exercise There are forming all over this country some of the most useful societies that I know of in the social uplifting and the industrial uplifting of the country, mainly women, joining together for a laudable purpose now. They find that a department store, for example, makes its employees—women—stand up all day long, and that they work them 16 hours a day. So they publish a list of the people, and they say, "Those people do not treat their employees fairly." Then all the members of that society at once refuse to deal with those people until they do treat their employees fairly.

I think that public opinion invoked in that way is a stronger weapon than any law in the world looking to the uplift of the condition of the industrial labor of the country. I would dislike to see anything in any bill that might possibly be tortured into an interference with that sort of thing.

Mr. CUMMINS. On the contrary, the amendment I read expressly authorizes that.

Mr. WILLIAMS. But that is not a labor organization at all.

Mr. CUMMINS. Oh, no.

Mr. WILLIAMS. I do not know how we could call it a labor organization. They call themselves "consumers' leagues," I believe—just why I do not quite understand.

Mr. CUMMINS. The amendment I shall offer expressly declares that such a proceeding upon the part of laboring men shall not be construed to be a restraint of trade

Mr. WILLIAMS. If the Senator will excuse me for bothering him one minute more——

Mr. CUMMINS. Certainly.

Mr. WILLIAMS. The Senator said he did not see how this exemption could apply to farmers in a way desired by them. I

will give the Senator an illustration in order that he may direct his mind toward it.

Take the cotton crop, for example. America possesses almost a monopoly of cotton production; that is to say, she produces such a great percentage of the cotton crop of the world that the supply of American cotton fixes the price of cotton in the markets of the world. Cotton planters and farmers come together when cotton is very low because of an abnormally large crop and large visible supply, and they agree to decrease the acreage for the next crop, because we frequently get more money for a small crop than for a large one.

If there is no exception of farmers' organizations from the operation of this act and the existing antitrust law, then in my opinion a farmers' union of the South, meeting and passing resolutions and agreeing to curtail the production of cotton is a thing done "in restraint of trade"—there can be no doubt of that—and they would be subject to prosecution unless they were exempted in this bill.

Mr. CUMMINS. They have been, then, for 20 years subject to prosecution.

Mr. WILLIAMS. I know, and the only reason why they have not been prosecuted is because the prosecuting officers were afraid of the farmers' vote. The Senator knows that as well as I. There may be, however, some day some prosecuting officer who will not be afraid, and he might give them a good deal of trouble in a matter of that sort.

Mr. CUMMINS. I rather agree with the Senator from Mississippi that that would be a violation of the antitrust law.

Mr. WILLIAMS. There is not any doubt about it; but it ought not to be prosecuted, because it is a perfectly justifiable means of defending one's self against a positive loss in production, by merely affecting the natural law of supply and demand.

I was very sorry this morning that we struck out the word "consumers." I think the best thing that we could do right now would be to boycott eggs, let us say, for example; to hold meetings and say we would not use any eggs until these miserable robbers reduce the exploitive price they have put on them; and then after we succeeded in bringing them to their knees on eggs—that is, bringing them to a reasonable price—the consumers' league could declare that they will boycott the use of a lot of other things for a while—meat, for example, and fowls—until the robbers concluded to accept reasonable prices. However, that has been passed and settled.

Mr. CUMMINS. May I suggest to the Senator from Mississippi that there may be a great many restraints of trade which for the time being will prove beneficial? But I will ask him this question: The railroads are by far the greatest consumers of iron and steel products. Would the Senator from Mississippi favor such a change in the law as would enable the railroads of the country to combine and dictate the prices of the steel which they might thereafter buy?

Mr. WILLIAMS. I would not have the slightest fear of that.

Mr. CUMMINS. Then the antitrust law is of no value, anyhow.

Mr. WILLIAMS. I have not the slightest fear of that, practically, because they could not refuse to buy steel any longer than a certain length of time. They would be compelled to have rails. They would be compelled to have rolling stock. They would have to go on the market for them. The Steel Trust, upon the other side, moreover, is about as strong as they are. It would be a Kilkenny cat fight, in which I would not be very much interested.

I can imagine cases where the consumer of some product might be so strong that he would have to be curbed in his cunning, in the exercise of his force or power.

But leaving that out, which is a mere offshoot of the argument, it seems to me that the labor organizations and farmers' organizations are not in any sense a commercial or an industrial affair. While this bill was directed in its origin and ought to be directed now and confined to industrial and commercial organizations—to great concentrations of money strength, which owing to their concentration can become dangerous to the public—these other people, farmers and factory hands, can never become dangerous as a money power, being mere voluntary organizations without any profit behind them to drive them to exploitive and tyrannical acts. They are acting in self-defense as a rule. If they use violence, the only way in which they may become dangerous to the liberties or property of society, the criminal law is there to curb and punish them.

Mr. CUMMINS. I think, Mr. President, that there are a great many instances in which cooperation could be employed with great advantage, but the difficulty is, as has been stated here more than once, this is a country of law, and we must describe the offense as certainly as we can, and then it must fall equally upon all who are within its terms.

I have no doubt that if we had an infinitely wise and patriotic and sensible person to administer the affairs of the United States, he could administer them in each individual instance with better advantage than they are administered through general law; but we have no such person. And so long as we are dependent upon general law we ought not to make an exception. Long before the Senator from Mississippi came in I attempted to demonstrate that the legislative declaration, to the effect that labor unions were not restraints of trade, was not an exemption of these unions from the operation of the law because of the difference between labor and a commodity.

I repeat that it disturbs me to hear labor termed a commodity—to hear the power of a man or woman to exercise the strength of mind or body in the production of something useful to the human race confused with the product which is the result of its exercise. It destroys all the distinctions that we ought to preserve. I close as I began with the insistence that when labor unions, with the purpose that I have described, are declared to be without the antitrust law, we are simply recognizing the essential character of things and are making a legislative declaration or interpretation of the law rather than classifying the people of the country and allowing one class to escape and another class to be bound.

Mr. NELSON. I wish the Senator would be good enough to have his amendment offered and printed.

Mr. CUMMINS. I think I will do that, so that it may be seen. I offer it as a substitute for section 7. I intend to discuss it further when we are considering section 18.

The amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CUMMINS to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, viz: Insert as a substitute for section 7 the following:

"SEC. 7. That the labor of a human being is not a commodity or article of commerce, and nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor organizations having for their objects bettering the conditions, lessenings the hours, or advancing the compensation of labor, nor to forbid or restrain individual members of such organizations from carrying out said objects in a lawful way; nor shall said laws be construed to prevent or prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to work or from advising or persuading others in a peaceful, orderly way, and at a place where they may lawfully be, either to work or abstain from working, or from withholding their patronage from a party to any dispute growing out of the terms or conditions of employment or from advising or persuading other wageworkers in a peaceful and orderly way so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value, or from assembling in a peaceful and orderly way for a lawful purpose in any place where they may lawfully be, or from doing any act or thing which might lawfully be done in the absence of such dispute. Nothing contained in said antitrust laws shall be construed to forbid the existence and operation of agricultural, horticultural, or commercial organizations instituted for mutual benefit without capital stock and not conducted for the pecuniary profit of either such organization or the members thereof, or to forbid or restrain such members from carrying out said objects in a lawful way."

Mr. KERN. I should like a unanimous agreement that the Senate take a recess not later than 5.45 until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Chair hear any objection? The Chair hears none.

Mr. JONES. I suppose the Senator from Indiana is going to move an executive session and that we will not return into legislative session to-day.

Mr. KERN. No.

The PRESIDING OFFICER. The Chair hears no objection to the suggestion of the Senator from Indiana. Therefore it is ordered.

Mr. KERN. I yield to the Senator from Tennessee.

NATIONAL CEMETERY, NASHVILLE, TENN.

Mr. LEA of Tennessee. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 246) to authorize the Secretary of War to issue a revocable license for the use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes, and I submit a report (No. 756) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole. It authorizes the Secretary of War to permit all or any part of the land belonging to the United States and lying outside of and adjoining the north and west walls inclosing the national cemetery near Nashville, Tenn., to be used for a public road and to be maintained by the local authorities. But such license or permit shall be issued at the discretion of the Secretary of War and upon such terms and

conditions as he may prescribe, and may be revoked at any time, with or without cause.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Thursday, August 20, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 19, 1914.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

James Clark McReynolds, of Tennessee, now serving as Attorney General, to be Associate Justice of the Supreme Court of the United States, vice Horace H. Lurton, deceased.

ATTORNEY GENERAL.

Thomas Watt Gregory, of Austin, Tex., to be Attorney General, vice James Clark McReynolds, nominated to be Associate Justice of the Supreme Court of the United States.

COMMISSIONER OF IMMIGRATION.

Frederic C. Howe, of New York, to be commissioner of immigration at the port of New York, N. Y.

UNITED STATES ATTORNEY.

Charles F. Clyne, of Aurora, Ill., to be United States attorney for the northern district of Illinois, vice James H. Wilkerson, resigned.

UNITED STATES MARSHAL.

Jerome J. Smiddy, of Honolulu, Hawaii, to be United States marshal, district of Hawaii, vice Harry H. Holt, appointed by the court.

ASSAYER.

John W. Phillips, of Seattle, Wash., to be assayer in charge of the United States assay office at Seattle, Wash., in place of Calvin E. Vilas, superseded.

PROMOTION IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Lieut. Col. Eugene F. Ladd, adjutant general, to be adjutant general with the rank of colonel from August 17, 1914, vice Col. James T. Kerr, retired from active service August 16, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 19, 1914.

COLLECTOR OF INTERNAL REVENUE.

Roscoe Irwin, to be collector of internal revenue for the fourteenth district of New York.

ASSAYER.

Herbert Goodall, to be assayer in charge of the United States assay office at Helena, Mont.

POSTMASTERS.

FLORIDA.

Jesse E. Miller, Graceville.

WEST VIRGINIA.

W. N. Cole, Williamson.

WITHDRAWAL.

Executive nomination withdrawn August 19, 1914.

Adolph P. Hill to be postmaster at Santa Fe, N. Mex.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 19, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, from whom cometh all strength, all wisdom, all justice and purity, be very near, we beseech Thee, to those to whom the welfare of our great Nation has been committed—our President and his counselors, our legislators and all others in authority—that they may be guided to a right solution of all the delicate and intricate problems which now confront us. And Thine shall be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6116. An act to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 178. Joint resolution granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society;

S. 654. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes;

S. 6116. An act to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5977. An act to authorize Bryan Henry and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala.; and

S. 5574. An act to amend and reenact section 113 of chapter 5 of the judicial code of the United States.

PRICES PAID FOR WHEAT IN KANSAS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 571.

The SPEAKER. The gentleman from Kansas [Mr. DOOLITTLE] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolution (H. Res. 571) requesting the Secretary of Commerce to report to the House all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas, and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

Whereas there has this year been produced in the State of Kansas approximately 180,000,000 bushels of wheat; and

Whereas said wheat is now being moved to markets in and outside the said State of Kansas in large quantities; and

Whereas large quantities thereof are sold to different grain dealers, concerns, and exporters at Kansas City, Mo.; and

Whereas the average purchase price of said wheat paid to the producer is 63 cents per bushel at the loading elevators within the State of Kansas, and large quantities of the same wheat are sold for export by grain dealers, concerns, and exporters at Kansas City, Mo., for 82½ cents per bushel to 85 cents per bushel; and

Whereas the cost of transportation and other expenses from any shipping point in the State of Kansas to Kansas City, Mo., is far less than 20 cents per bushel; and

Whereas it is stated and believed that a combination, agreement, and understanding in restraint of trade exists between certain dealers, concerns, and exporters of wheat in Kansas City, Mo., to depress the purchase price paid for wheat to the producer: Now, therefore, be it

Resolved, That the Secretary of the Department of Commerce report to this body all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I understand the resolution provides that the Secretary of Commerce shall make this investigation?

Mr. DOOLITTLE. Yes.

Mr. MANN. It seems to me that any investigation that is made in reference to farm products ought to be made by the Department of Agriculture, which has some information on the subject and some men who are experts. Without any reflection at all upon the Department of Commerce, I think they do not have in that department men who are experts on the questions affecting the price or sale of farm products.

Mr. DOOLITTLE. I will say to the gentleman that at his own suggestion I took up that question with the Department of Agriculture, and I was informed by the Secretary that for the purposes of carrying out this resolution they did not have the machinery. On the other hand, the Secretary of Commerce stated to me specifically that he did have the machinery—the men who know how to do it.

Mr. MANN. Well, the only machinery that the Secretary of Commerce has is the Bureau of Corporations, and if there is anybody connected with the Bureau of Corporations who is

especially informed as to such matters he ought to be given another job.

Mr. FITZGERALD. This resolution merely calls for information in the possession of the Secretary of Commerce.

Mr. MANN. Well, that would not amount to anything.

Mr. FITZGERALD. He has the authority.

Mr. MANN. That is not the intention. I have no objection to an investigation being made; but the Department of Agriculture is engaged now in studying the question of the transportation and grades and grading and all matters connected with market production, market handling, and with the form of grading and marketing and handling grain products.

Mr. DOOLITTLE. This is a local condition, I may say to the gentleman from Illinois, and it has been more or less distressing. We should have the information, and if the Department of Commerce can give it to us—and the Secretary says it can—most certainly it could do no damage, and it might do a great deal of good.

Mr. MANN. I think it might do a great deal more damage than good. We put in the Agricultural appropriation bill quite an appropriation for the studying of market conditions and the marketing of farm products—$250,000, I believe, and am so informed by a gentleman who would know. If they have not the machinery, I do not know where you would get it. Certainly the Bureau of Corporations has not the knowledge.

Mr. DOOLITTLE. The Office of Markets is not yet prepared to give us the information or to make the investigation.

Mr. MANN. The appropriation is made, and they could make the investigation under that. In other words, I believe that under the language "to study the subject of the marketing of the farm products" that study ought to be made by the Department of Agriculture, which is in sympathy with the farmer who produces, rather than the Department of Commerce, which is in sympathy with the reduction in the price of farm products, instead of keeping them at a proper price for the benefit of the farmer.

Mr. DOOLITTLE. I hope the gentleman will not object to the consideration of this resolution.

Mr. FITZGERALD. The gentleman from Illinois [Mr. MANN] was one of the men who were instrumental in the creation of the Department of Commerce. He never intimated that it was for the purpose of building up an organization unsympathetic with the farmer and against the interests of the farmer.

Mr. MANN. No. I was the originator of the Bureau of Corporations. I intimated and always said that it was the duty of the Department of Commerce to study the interests of the manufacturer and commercial portion of the country. We had the Department of Agriculture to study the interests of the farmer.

Mr. MURDOCK. Mr. Speaker, will the gentleman withhold for a moment while I ask a question of the gentleman from Kansas?

Mr. MANN. Yes.

Mr. MURDOCK. I would like to ask him this question, reserving the right to object: When the gentleman introduced his first resolution, previous to the European conflict, there was a margin of some 20 cents between the export price of wheat at Kansas City and the price paid in the primary grain markets?

Mr. DOOLITTLE. Yes.

Mr. MURDOCK. Since that time and since the outbreak in Europe virtually no wheat has been moving?

Mr. DOOLITTLE. Not very much.

Mr. MURDOCK. There has been an embargo on shipments in Galveston and on the Atlantic seaboard markets, and in the meanwhile the general ocean-carrying charge on wheat has jumped from 3 cents to 11 cents, and on account of that tremendous jump in the ocean freight charge I understand that from all over the world English tramp steamers are heading for the Atlantic and the Gulf ports to take advantage of the situation. Now, either before the war abroad or since the war began there has been a question out in Kansas as to the reason for the difference between what is paid in the primary wheat markets and what the exporter sells it for——

Mr. DOOLITTLE. I have a substitute here——

Mr. MURDOCK. And you call for all information which the Secretary of Commerce now has. Of course he has no information bearing upon this matter now.

It does not seem that the language of this resolution would give him power to send men out to get it.

Mr. DOOLITTLE. I may say to the gentleman that Secretary Redfield has assured me that he would get the information that the House asked for.

Mr. MURDOCK. Under this resolution?

Mr. DOOLITTLE. Yes; and he has two men ready to send. I also have a letter from him which has already been read, and is incorporated in the favorable report on the resolution from the Committee on Interstate and Foreign Commerce.

Mr. MURDOCK. Of course he will have to go outside of the limits of the language of this resolution to do it.

Mr. DOOLITTLE. Not outside of the interpretation of it as they have interpreted it. It is in the customary form.

Mr. MURDOCK. I hope we can get the information, whether by resolution or not.

Mr. SLOAN. Mr. Speaker, reserving the right to object, I would like to ask the author of the resolution if his substitute broadens the scope of the inquiry beyond the State of Kansas?

Mr. DOOLITTLE. No; it does not.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman recalls that in the Agricultural appropriation act for the last fiscal year we carried an appropriation of $50,000 to enable that department to study marketing conditions. In the recent Agricultural appropriation act we carried an appropriation of $250,000 for the same purpose. Now, if the Agricultural Department can not obtain information like this with such an appropriation, how does the gentleman expect the Department of Commerce can get it without any appropriation?

Mr. DOOLITTLE. I am informed they can do it and will do it.

Mr. MANN. Well, I do not think they can.

Mr. ADAMSON. The Secretary wrote a letter stating that he could.

Mr. DOOLITTLE. And he so stated to me.

Mr. MANN. I will say to the gentleman that I am perfectly willing to let the Agricultural Department make any investigation in reference to prices or marketing conditions, or farm products, but I am not willing to turn that over to any other department of the Government while the Agricultural Department is engaged in making such investigations. I think the Agricultural Department ought to make the investigations relating to farm products.

Mr. MURDOCK. What was the gentleman's substitute?

Mr. DOOLITTLE. Would the gentleman from Illinois object to the present consideration of the resolution if it were directed to the Secretary of Agriculture?

Mr. MANN. I would not.

Mr. FITZGERALD. Well, I do not intend to have a resolution like this fixed up just to suit any one person here.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from North Carolina [Mr. WEBB] is recognized.

CUSTOMS APPEALS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill S. 6116 be taken from the Speaker's table and put upon its immediate passage. A bill identical thereto has been reported by the House Judiciary Committee and is on the calendar.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (S. 6116) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Section 195 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"SEC. 195. That the Court of Customs Appeals established by this chapter shall exercise exclusive appellate jurisdiction to review by appeal, as herein provided, final decisions by a board of general appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgments and decrees of said Court of Customs Appeals shall be final in all such cases: *Provided, however*, That in any case in which the judgment or decree of the Court of Customs Appeals is made final by the provisions of this title, it shall be competent for the Supreme Court, upon the petition of either party, filed within 60 days next after the issue by the Court of Customs Appeals of its mandate upon decision, in any case in which there is drawn in question the construction of the Constitution of the United States, or any part thereof, or of any treaty made pursuant thereto, or in any other case when the Attorney General of the United States shall, before the decision of the Court of Customs Appeals is rendered, file with the court a certificate to the effect that the case is of such importance as to render expedient its review by the Supreme Court, to require, by certiorari or otherwise, such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court: *And provided further*, That this act shall not apply to any case involving only the construction of sec-

tion 1, or any portion thereof, of an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909, nor to any case involving the construction of section 2 of an act entitled 'An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911."

The SPEAKER. The Chair will inquire if a similar bill is on the House Calendar?

Mr. WEBB. An absolutely identical bill.

The SPEAKER. The question is——

Mr. FITZGERALD. It can not be done except by unanimous consent.

The SPEAKER. Why can it not?

Mr. FITZGERALD. Because this is Calendar Wednesday.

The SPEAKER. Suppose it is.

Mr. WEBB. I do not imagine the gentleman from New York will object to unanimous consent.

Mr. FITZGERALD. I want to find out something about it.

Mr. MANN. The gentleman asked unanimous consent.

Mr. FITZGERALD. He asked unanimous consent.

The SPEAKER. The rule does not bear out the gentleman from New York.

Mr. FITZGERALD. Perhaps not.

The SPEAKER. The rule provides that—

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote, on a motion to dispense therewith, shall otherwise determine.

Paragraph 4 reads:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order.

This is before the unfinished business.

Mr. MANN. The rule says that no other business shall be in order. That has been the ruling of the Speaker heretofore.

The SPEAKER. The gentleman asked unanimous consent, and that settles it.

Mr. FITZGERALD. I will ask the gentleman to state exactly what is proposed to be done by this change.

Mr. WEBB. I can state it very briefly. When the Court of Customs Appeals was created, there was no provision whatever for an appeal in any case from that court, strange to say. Theretofore customs cases had been brought to the Supreme Court from the Board of Appraisers and through the circuit courts; but when the customs court was created there was no provision for an appeal from that court.

Mr. FITZGERALD. That was for the purpose of taking out of the United States Supreme Court a great mass of litigation which cumbered the docket of that court.

Mr. WEBB. That is very true. The bill before us provides that whenever the Constitution of the United States or a treaty is drawn in question by a decision of the Court of Customs Appeals, then either side may ask for a writ of certiorari to the Supreme Court of the United States—not to take an appeal as a matter of right, but to ask the court for the right to appeal—and if the Supreme Court of the United States think it is a question that ought to be decided by them, they can take it up.

Mr. FITZGERALD. That would include cases involving the construction of the Constitution or a treaty.

Mr. WEBB. That is all. In other cases where the Attorney General, before the customs court has passed upon a case, certifies that it should be carried to the Supreme Court, either side may ask for a certiorari. A large per cent of such applications is turned down by the Supreme Court. This bill is important at this time, because the question of the 5 per cent drawback or discount on imports in American bottoms is now pending, you may say, and that case involves many treaties.

It is not believed that this inferior customs court should pass finally upon a great matter of that sort. I might say that this pending case will affect the revenue to the extent of ten or twelve million dollars a year. Claims are being piled up against the Government. The Attorney General ruled that the 5 per cent clause was void on account of our treaty obligations. The customs officers held with the Attorney General, but the Board of Appraisers held differently, and the ruling of the Treasury Department still holds, and these cases are going to the Court of Customs Appeals.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I read the House bill and the report, and am not quite clear now, but it seems to me that a certificate had to be filed in advance of the decision of the customs court in order to retain the right of appeal to the Supreme Court. Is that correct?

Mr. WEBB. That is correct in cases where the Constitution and treaty are not drawn in question. In all other cases each side can ask for a certiorari when the Attorney General certifies, before the decision of the court is made, that the case is of such importance that it ought to be carried to the Supreme Court.

Mr. MANN. Does the gentleman know the opinion of the Treasury Department as to the amount of business that this is likely to send to the Supreme Court?

Mr. WEBB. Assistant Attorney General Wimple, who represented this court, and the Attorney General himself said it would be very small—probably not two cases in five years.

Mr. MANN. I notice that this bill provides that there can be no appeal in reference to the wood-pulp section in the Canadian reciprocity act.

Mr. WEBB. Yes.

Mr. MANN. Why should not the Government have the benefit of the Supreme Court in that matter?

Mr. WEBB. I think that the Government ought to have that right, and Assistant Attorney General Wimple was very insistent that it should, but the Treasury Department said that since wood pulp had been put upon the free list they considered the matter a closed incident. Such right was in the original bill, and insisted on by the Assistant Attorney General, but we saw at once the the paper folks all over the country were going to raise strenuous objection.

Mr. MANN. Whom does the gentleman mean by "the paper folks"?

Mr. WEBB. The wood-pulp people.

Mr. MANN. Oh, no; just the other way. The pulp and paper manufacturers would like to get a decision from the Supreme Court of the United States, because the customs court decision was against them. Still I apprehend that it would be difficult to get a bill through the Senate or the House by unanimous consent where the newspaper people did not want it to pass and they do not want a review by the Supreme Court of the United States. So to that extent we are bowing to the power of the press.

Mr. WEBB. I can say that the power of the press had nothing to do with our decision. The Treasury Department told the committee that as wood pulp had been put on the free list and the matter had been settled by the court it would not insist on reviewing the court's decision. It was settled quite a while—probably a year ago—and they were willing to drop the matter and consider it closed, and that is why we exempted the Canadian reciprocity provision.

A brief review of legislation providing tribunals for passing upon customs claims may be of value in determining the necessity for passing the pending bill.

In the course of time the work of settling customs claims grew to such an extent that it was thought desirable to relieve the regular courts of this work and to provide tribunals to hear and determine such matters.

On June 10, 1890, Congress passed the act entitled "An act to simplify the laws in relation to the collection of the revenues." By section 14 thereof the decision of the collector as to rates and amount of duties chargeable upon imported merchandise, and so forth, was made final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent, and so forth, should, within 10 days after, "but not before," such ascertainment and liquidation of duties, if dissatisfied with such decision, give notice in writing, and so forth, and upon such notice and payment the collector was required to transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers which should be on duty at the port of New York, or to a board of three general appraisers who might be designated by the Secretary of the Treasury for such duty at that port or at any other port, and so forth.

Section 15 of the act provides for a review by the circuit court of the United States for that district, on application of either side, within 60 days after the decision of the appraisers. It is provided that the circuit court might then refer the case to one of the general appraisers, as an officer of the court, to take and return to the court such further evidence as might be offered by either side, under the rules of the court, within 60 days' time. It provides that the case should be heard upon such further evidence and the returns from the lower court; the circuit court's decision to be final, unless such court should be of the opinion that the question involved was of such importance as to require a review of such decision by the Supreme Court of the United States. In such cases said circuit court, or the judge making the decision, might, within 30 days thereafter, allow an appeal to said Supreme Court, but it provided that an appeal shall be allowed on the part of the United States whenever the Attorney General shall apply for it within 30 days after the rendition of such decision.

It was contended that under the provisions of the act of 1890 claimants did not, in good faith, present their evidence before

the general appraisers, but did so in an indifferent manner, and trusted to their right to have other evidence presented in the circuit court, and their case finally determined upon that and the record from the lower court. To remedy this defect, it was provided in 1908 that all evidence in the case must be submitted to the Board of General Appraisers prior to their decision.

By the act of August 5, 1909, the Court of Customs Appeals was created and provision made for an Assistant Attorney General. The act provides that appeals from general United States appraisers can only be taken to this court, except in cases already tried, but then not yet heard on appeal.

This is the law to-day governing this class of litigation, as shown by section 195 of the act of March 3, 1911, which the bill under consideration seeks to amend.

It seems manifest, from the review of legislation, that Congress had in mind constituting the Court of Customs Appeals a court of final review to take care of the many questions that would arise affecting the construction of the revenue laws as to rates and classifications, and thus relieve the general courts of this detailed work. This it seems to have accomplished.

Since the act of 1909 it has been found that this Court of Customs Appeals has been called on to pass upon not only questions of rates and classifications, but also questions involving a construction of the Constitution and our treaties with other nations. In a few instances it has been called on to settle questions not involving a construction of the Constitution or treaties, which were of much importance on account of the amount of money involved.

The case of American Express Co. against United States, tried and determined by this court, as reported in the fourth volume of their decisions, on page 146, was a case involving the construction of our Constitution and treaties with other nations. The court was asked to determine whether the granting of free importation of wood pulp from Canada did not automatically, under the "favored-nation clause" in our treaties with other nations, nullify the act of Congress in so far as it attempted to lay a duty on wood pulp brought in by such other nations.

It was contended by the importers that, under our Constitution, treaties were to be construed as a part of our fundamental law, and therefore, of necessity, had to be read into the acts of Congress and construed by the court. The Government contended that treaty provisions, such as were involved in this case, were only executory promises and not binding upon the courts until written into our statute law by Congress. Under the decision in this case the Government will be required to repay to the importers about $3,000,000.

As examples of cases not involving a construction of the Constitution or treaties, we would cite the controversy with the Indian Government, as to whether the metallic or the exchange value of the rupee was the proper basis of taxation, which involved something like $1,000,000; and the question as to the proper classification of saki, the national drink of the Japanese, which involved something like a half million dollars.

The bill now being reported only modifies the existing law to the extent of providing that the decisions of the Court of Customs Appeals may be reviewed by the Supreme Court—

in any case in which there is drawn in question the construction of the Constitution of the United States, or any part thereof, or of any treaty made pursuant thereto, or in any other case where the Attorney General of the United States shall, before the decision of the Court of Customs Appeals is rendered, file with the court a certificate to the effect that the case is of such importance as to render expedient its review by the Supreme Court, to require, by certiorari or otherwise, such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court: *And provided further*, That this act shall not apply to any case involving only the construction of section 1, or any portion thereof, of "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, nor to any case involving the construction of section 2 of an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911.

Exception 1 covers all that portion of the Payne-Aldrich tariff law which levies the tariff taxes.

Exception 2 covers all that portion of the reciprocity act with Canada relating to wood pulp.

Whether Congress meant to give to this court the final jurisdiction in all such important cases, especially involving the construction of the Constitution and of treaties, when it made their decision final "in all cases as to construction of the law and facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith," etc., has been determined by this court taking such final jurisdiction. The only way now to limit their final jurisdiction to these matters of classification and rates is by amendment.

The Supreme Court of the United States, being the highest judicial tribunal in the Nation, should finally pass upon such important matters as affects the Constitution and treaties and the exceptional cases vitally affecting the Nation's revenue where the Constitution and treaties are not involved.

It is not thought that there would be very many cases, under the last class, reviewed, but cases, from time to time, will arise, and it is desirable to have in this amendment a provision by which such questions could be finally settled by the highest court. These cases would be limited to those in which the Attorney General would file his certificate before the decision, and after this the Supreme Court itself would determine whether the case was a proper one for their review.

This amendment will affect the final jurisdiction of the Court of Customs Appeals in cases arising under the tariff law of 1913.

The Treasury Department has asked the opinion of the Attorney General upon subsection 7 of paragraph J of section 4 of the tariff act of 1913, which section reads as follows:

That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States: *Provided*, That nothing in this subsection shall be construed as to abridge or in any manner impair or affect the provisions of any treaty concluded between the United States and any foreign nation.

The Attorney General reported that, on account of provisions in treaties with other countries, this section was inoperative. The Treasury Department, acting upon this opinion, instructed the collectors of customs to not allow the 5 per cent discount. Protests were filed by importers, and the general appraisers heard the case and ruled as follows:

We conclude that subsection 7 of paragraph J of section 4, tariff act of 1913, should be enforced according to its letter; that dutiable goods imported in vessels admitted to registration under the laws of the United States should be conceded a 5 per cent discount from the duties provided for in the other parts of the statute.

From this ruling both sides appealed to the Court of Customs Appeals. These cross appeals will, in their order, be reviewed by the Court of Customs Appeals, and if this bill is promptly passed the cases can be reviewed by the Supreme Court without unnecessary delay.

Pending the final settlement of the question no discount is being allowed, and claims are being filed against the Government amounting to from $7,000,000 to $10,000,000 per year. Either a very large amount will have to be held as a contingent fund or, if the Government finally loses the cases, some provision will have to be made for settling the claims.

It is generally conceded that this case should be carried before the Supreme Court for final decision. Mr. Levett, representing the Merchants' Association of New York, admits that personally he thinks it should. The Government is anxious to have it thus passed upon as early as possible. There are widely differing opinions as to what should be the proper ruling upon this question, as will be found in the printed hearings before the Judiciary Committee upon this bill.

The Treasury Department has given its indorsement to this measure and urged its speedy passage, as shown by the following letter:

JUNE 10, 1914.

Hon. EDWIN Y. WEBB,
Chairman Committee on the Judiciary, House of Representatives.

SIR: Under date of April 3, 1914, I had occasion to call your attention to bill H. R. 15960, now pending before the Committee on the Judiciary, providing for a review by the Supreme Court of decisions of the Court of Customs Appeals in certain customs cases, including those involving constitutional and treaty questions.

As the matter is one of the greatest importance to this department and to the proper administration of the customs, I wish to impress upon you again the necessity of early action by Congress on this measure. There are many cases now pending involving the 5 per cent shipping clause of the tariff. This issue is one of the greatest importance to the Treasury Department. Should the decision of the Customs Court of Appeals be adverse to the Government, the possible refunds might run from ten to twelve million dollars a year, and would materially reduce the revenue from customs. Constitutional and treaty questions are frequently raised in tariff issues, and they all are matters of the greatest importance and should be left for the final determination of the Supreme Court.

For these reasons I would therefore urge that prompt action be taken by the committee, with the view that this legislation be passed during the present session of Congress.

Respectfully, W. G. MCADOO, *Secretary.*

I hope, therefore, that the bill will pass at once, as it is very important to the revenues of the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill, H. R. 17147, to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," was laid on the table.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

REVISION OF PRINTING LAWS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the House bill 15902. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

Mr. BARNHART. Mr. Chairman, there is neither politics, poetry, nor inspiration to oratory in this bill. It is a plain business proposition in which every Member of Congress and every reading and thinking individual in our country is interested, for it has to do with their general information, their convenience, and their expenditures. And inasmuch as I am anxious to spend as little time as possible in general debate and give you the most intelligent and comprehensive outline of the proposed legislation possible, it will be a favor if I be spared from interruptions during the formal presentation, and after I am through with this I will try to answer any interrogatories which may suggest themselves to you. But as the bill is lengthy and full opportunity will be given for the consideration of each section, we will save time, I believe, by curtailing debate as much as possible now, that we may the sooner commence the reading and detail consideration of the bill.

FOREWORD.

As a matter of information to all concerned, the Government has a public printing office, the buildings and equipment of which are invoiced at $5,500,000, the annual expenditure for the operation of the establishment is approximately $7,000,000, and the output must be the mental and mechanical product of the best and most accurate skill in the printer's art. The building is a model in architectural arrangement, the equipment is modern and complete, and the four thousand and odd employees have sanitary system, medical attention, and emergency hospital facilities highly creditable to the best Government in the world.

In addition, in comparison with the wage scales of printers, binders, and machinists in the printing industries of the large cities of the United States, as shown by the union wage scales published by the Department of Labor, our Government pays its Printing Office employees more than the general wage scales, it gives them an annual leave of absence of 30 days with full pay, it guarantees stable wages whether prosperity or panic prevails in the country, it provides them with medical and surgical relief during working hours, and it assures them permanent employment if they are faithful. With these ideal conditions as a foundation for a public printing service the people have a right to expect helpful results, and they may have if Congress will systematize and economize to the end that a maximum of service in useful public documents be given at a minimum of expense.

Your Committee on Printing has carefully and impartially considered the necessity for better legislation for this branch of the Government service. It has given hearings to all who asked to be heard and to many whose knowledge and advice might aid in the preparation of a good bill. And it has gathered data from the hearings and investigations of preceding committees in both House and Senate, and comes to you with the fundamentals, at least, of a just and wholesome measure, in which every Member is interested, regardless of politics.

The bill to revise the laws for printing, binding, and distribution of public documents now under consideration is the result of investigations by a Printing Commission and the Printing Committees of the House and Senate, which have been at work nine years. Several bills have been introduced as the result of the work of the commission and the committees, one of which passed the Senate two years ago, but reached the calendar too late for consideration in the House before the end of the term, when all bills die. And in the beginning I want to give most of the credit for the general features of reform in this bill to Representative DAVID E. FINLEY, former chairman of the House Committee on Printing; Senator REED SMOOT, former chairman of the Senate Printing Committee; and Mr. George Carter, clerk of the Joint Committee on Printing. Of course, others have rendered valuable assistance, and this bill has many new features which none of the others carried, added by Mr. TAVENNER, Mr. KIESS, and myself, and which, we believe, will contribute much to the efficiency, economy, and popularity of the legislation.

The impression is abroad that Members of Congress—in both branches—are following long-established customs of grab-bag methods in printing and franking privileges not creditable to those big enough to make laws for our national welfare. It is doubtful if this impression is justified, all things considered, but that there is a tremendous waste in our methods of printing and distributing public documents there is not a doubt, as the official report accompanying this bill will readily show you. You would be amazed if I were to tell you that in public-document procedure alone we surely waste a half million dollars a year; and add to this the wrapping, franking, envelopes, leave to print, and other excesses which this bill aims to correct and it will amount to more than a million dollars a year that is absolutely wasted, except to those who profit by the production.

FEATURES OF THE BILL.

Much of this bill is reaffirmation of existing law. Whenever present law has been found conducive to good results, it has not been changed, but the advantageous new features of the bill, as the committee sees them, grouped into general subjects, are as follows:

Valuation system of allotment of documents to Members, so each may have the publications he needs for distribution.

Restrictions of departments in free-hand and duplicate document printing.

Limitation of printing frank slips and envelopes, correcting both printing and franking abuses.

Restricting leave to print extraneous matter in the CONGRESSIONAL RECORD.

More satisfactory plan for printing for committees.

Labor-saving method of folding, wrapping, and handling public documents.

Publication of morning bulletin of day's program of House and Senate business.

Rearrangement of Government printing officials and salaries.

More general supervision by joint committee and Public Printer over all public printing.

Requiring all printing and binding to be done at the Government Printing Office.

And providing fines and imprisonment for violations of franking and distribution privileges.

FAULTY DOCUMENT DISTRIBUTION.

Not only is our present system of printing and distributing extravagantly wasteful, but it does not give Members of Congress their allotment of the kind of publications that are most helpful to the people they represent. For instance, every Member of Congress sends out many publications to his people which are of little or no use to them, because they are allotted to him and he thinks it better to send them out than to let them lapse and be sold for junk paper. A Member in a purely agricultural district has little use for the publications useful in cities now allotted to him, and the Member representing the city has little or no use for much of the agricultural literature, and so forth, allotted to him. As it is now, Representatives from forest and prairie, from seacoast and interior, from cotton belt and wheat fields, from shop and live-stock ranch, and from city and country, are all given the same kind of free documents for their constituents and, of course, much of it is useless because it has no relation to conditions in the locality to which it is allotted.

Hereafter each Member of the House will be allotted $1,800 worth of public documents for his district each year, and each Senator $2,200 worth each year. This is practically the same expense the Government is now incurring in printing documents. But the advantages of the new system are many. In brief, the Printing Office will issue limited-edition copies of documents from time to time as the demand requires, and this will save much waste in printing allotment stuff not wanted, as is now done; each Member will be given only what he orders, and many will therefore draw less than their allotment, which will be another saving; no Member can draw on his allotment after his term expires, and new Members can supply the wants of their constituents as soon as their term begins and not encounter an exhausted document list because the predecessor had drawn out everything available, both present and future; Members can order what they need, and nothing else will be printed and wasted for them, and thus the people will get that which is helpful in their vicinity and vocation and there will be no excess printing of unwanted documents, as is always done where Members are given the same allotment of the various documents.

And so this provision will be a great saving in printing expense, a great convenience to Members, and a great help to those for whose benefit public documents are issued.

FRANKED STATIONERY PRINTING.

The franking privilege is much abused at much cost and without profit to any considerable number. True, this is a function of legislation not strictly within the province of this Committee on Printing, but we can help by the regulation of frank slip and envelope printing, so that the possibility of excessive franking shall be limited. To say nothing of the number of frank slips and white document envelopes used by Representatives during the past year, the Public Printer reports that twenty-two and a half million manila document envelopes of various sizes were furnished to Representatives and Senators—an average of 41,500 each. In addition to this, departments used millions, and committees and Members of the House and Senate were furnished with hundreds of thousands of free white envelopes and letter sheets for correspondence purposes, and each Member had his liberal cash stationary allowance besides. You say this is only the custom established by years of precedents. That is true, but wrongdoing is not justified by all the precedents and customs of the ages, and that the misusing of public funds in this way is plainly and inexcusably wrong who can deny?

How will our limitation of printing document envelopes and forbidding their use under penalty by others than Members work economy in franking expense? I will tell you: First, the abolition of the small-size document envelope will estop Members from using large quantities of them, contrary to law, in correspondence; second, it will stop the wholesale practice of inviting the public to pitch in for free public documents whether or not they are needed or used; third, it will stop the abuse of private interests promoting speeches in Congress, paying for the printing of large quantities of them and then using some Member's envelope, folding, and franking privilege to send them out; and, fourth, the curtailment of not-wanted document printing will discourage the practice that has long prevailed of some Members franking out any kind of useless document stuff just to show constituents on the mailing lists that they are not forgotten by their Representative in Congress.

FRANK-PRIVILEGE ABUSES.

If I were to give you all the reports of abuses of the franking privilege which have come to the knowledge of members of this committee, it would require a considerable extension of my time, and some of it might not be accurate, for evasion of the law is usually covered up; but if I were to tell you that 750,000 copies of the speech of a Member of Congress were recently sent to an agency in Philadelphia to be used by an organization to boost its purpose, and that the Government paid for the folding, for the envelope printing, and for the franking through the mails, you would have a hint of the possibilities of abuse of the franking privilege. Or if I were to cite the alleged distribution of a million and a half copies of speeches by a Member of Congress through Government franked envelopes by an organization which sought to exploit its ideas of a combined moral and industrial question, all at Government expense, you would see evidence of the abuse of the franking privilege. Or if I were to cite you to part 65 of the hearings pursuant to Senate resolution 92 by a Senate subcommittee of the Committee on the Judiciary, you would be astounded at the evidence that 320,000 copies of a selfish interest pamphlet had been printed, wrapped, and franked at Government expense, and you would applaud the Post Office Department in its undertaking to recover from this selfish interest $57,600 postage expense which the Government incurred in transmitting this illegally franked document through the mails. Or if I were to tell you that a congressional campaign committee had more than a 1,000,000 Government-printed speech envelopes left over after a campaign, which represented a large public expense, and that these envelopes were disposed of as junk by some one unknown to a Government record, you would admit carelessness, to say the least. Or if I were to show you that a certain congressional exponent of a will-o'-the-wisp political propaganda had 2,000,000 speech envelopes printed at one time, and either sent them out carrying his hallucination or wasted them, you would be justified, after knowing these few instances of the many of the kind, in sidestepping your dignity far enough to exclaim. "Rotten!"

PENALTIES FOR VIOLATIONS.

I want to also call your attention to the fact that there are enough sharp teeth in this bill to protect the proposed law from imposition. Section 68 provides a fine of $1,000 as penalty for any Government distributing agent selling or disposing of for gain any public document printed for free distribution; and also provides a heavy fine of $5,000 or imprisonment for 5 years, or both, for any officer or employee of the Government Printing Office who violates this section. Section 35 provides a heavy fine of $3,000 or imprisonment for 7 years, or both, for the Public Printer if he shall by himself or in collusion with others defraud the Government. Section 36 provides a fine of $1,000 or imprisonment for 5 years, or both, for the Public Printer or any of his official subordinates if any such be interested in any industry which furnishes supplies for the Government Printing Office. And section 42 provides a fine of $300, which ought to be more severe, for any Member of Congress or agent or employee of the Government who shall assist any private institution or individual to the unlawful use of franked envelopes or frank slips.

Furthermore, section 69 protects the CONGRESSIONAL RECORD from misuse by providing that any matter not spoken in order on the floor of the House or Senate shall first be offered, then considered by the respective Printing Committee, and passed on by the respective House before it be published. There is an exception, however, whereby leave-to-print matter germane to the subject under consideration may be inserted in the RECORD by unanimous consent, but it must be limited to four pages. And these provisions, the committee estimates, will greatly curtail the inconvenient bulk and the unnecessary expense of the CONGRESSIONAL RECORD, which ought to be a succinct reproduction of the proceedings of Congress and not the carryall for every Tom, Dick, and Harry in the country to exploit his ideas at the expense of the Government and to the inconvenience of everybody who would like to read the actual proceedings of Congress.

ECONOMY IN THE BILL.

To the casual observer the proposed changes might seem inconsequential, but to the investigator they show large possibilities of retrenchment and benefit to the public service. In the matter of economy alone this bill must attract your approval. Here is a table of estimates of curtailment and increases of expenses carried in the bill which we ask you to inspect. It specifies the provisions of the bill upon which the committee bases its estimates of economies to be effected:

Economies.

Section 2: Vesting Joint Committee on Printing with authority to prevent duplications and waste in printing and distribution of documents, and authority to investigate other abuses in the public printing (estimate based on actual savings effected by printing investigation commission under similar authority)	$25,000.00
Section 3, paragraph 2: Compilation of memorial volumes and other documents by clerk of Joint Committee on Printing	900.00
Section 11: Reduction in salary of Deputy Public Printer	500.00
Section 14, paragraph 1: Reduction in salary of purchasing agent	600.00
Section 16: Reduction in compensation of assistant superintendent of work in charge of night work	600.00
Section 27: Leave of absence at day rate paid at time granted instead of at rate earned	8,000.00
Section 42, paragraph 2: Franked document envelopes issued free to Members of Congress to be of manila stock instead of more expensive grade	43,560.00
Section 44, paragraph 1: Restriction of "unanimous-consent" printing of documents by either House (estimated)	25,000.00
Section 45: Elimination of departmental publications from numbered-document series of Congress, and thus preventing duplication	19,952.25
Section 47, paragraph 1: Elimination of print of private pension bills as introduced (cost, Sixty-first Congress, $172,554.80)	80,000.00
Section 47, paragraph 4: Elimination of one useless print of bills as authorized by present law	8,000.00
Section 49, paragraph 3: Restriction of use of embossed letterheads and envelopes by Members of Congress	33,132.71
Section 54: Restricting library distribution of House and Senate Journals	1,000.00
Section 55, paragraph 2: Folding of documents for valuation distribution at Government Printing Office	25,000.00
Section 64, paragraph 2: Selection of documents to be sent to depository libraries	110,000.00
Section 65, paragraph 2: Elimination of duplicate copies of documents sent to depository libraries	23,730.87
Section 66: Revising library mailing lists of departments	5,000.00
Section 68, paragraph 1: Valuation plan for distribution of documents by Members of Congress	150,000.00
Section 68, paragraph 4:	
(2) Elimination of one edition of Congressional Directory in long session	4,187.52
(5) Substituting new process instead of engraving for memorial volumes	5,000.00
(8) Elimination of abridgment of messages and documents	13,847.83
(17) Elimination of list of patents from annual report of commissioner to Congress	6,646.07
(20) Discontinuance of geological depository libraries	4,418.48
(22a) Elimination of Secretary's report from Agricultural Yearbook	16,020.00
(22g) Discontinuance of Annual Report on Field Operations, Bureau of Soils	17,310.66
(26) Discontinuance of annual list of officers of merchant steamers, etc	2,500.00
Section 69, paragraph 4: Restricting matter inserted in Congressional Record to subjects germane to proceedings of Congress (estimated)	100,000.00

Section 69, paragraph 6: Limiting remainder copies of CONGRESSIONAL RECORD to be bound for Members	$72,588.00
Section 72:	
Paragraph (1): Limiting distribution of Decisions of Comptroller of the Treasury	8,712.00
Paragraph (10c): Increasing subscription price of Patent Gazette from $5 to $10 per year	15,000.00
Eliminating Patent Gazette depository libraries	12,858.74
Paragraph (12): Placing Daily Consular and Trade Reports of Department of Commerce on sales basis	30,000.00
Discontinuing publication of Commercial Relations	6,245.99
Section 77, paragraph 3: Restriction of committee binding	10,000.00
Section 78: Requiring all printing and binding to be done at Government Printing Office (based on 5 per cent saving on $1,000,000 worth of such work now done outside)	50,000.00
Section 80, paragraph 1: Limiting size of annual reports of departments and establishments (estimate)	10,000.00
Total reductions	945,320.12

Increases.

Section 3, paragraph 1: Stenographer for Joint Committee on Printing	$1,000.00
Section 10, paragraph 2: Salary of Public Printer, from $5,500 to $6,000 per annum	500.00
Section 16: Salary of medical and sanitary officer, from $2,600 to $3,000	400.00
Section 26: Compensation of 60 job compositors, from 50 to 55 cents an hour	8,012.80
Section 27: Leave of absence to 82 temporary employees	2,787.00
Section 49, paragraph 5: Printing clerk for House of Representatives	2,500.00
Section 50, paragraph 3: Bulletin of committee hearings	15,000.00
Section 69, paragraph 2: Daily table of contents	10,000.00
Section 72 (10d): Copy of patents for library in each State	12,000.00
Section 81, paragraph 1: Division of publications in each department and establishment of the Government	10,000.00
Increase in miscellaneous publications (estimated)	25,000.00
Total increases	87,199.80
Total economies	945,320.12
Total increases	87,199.80
Net economies	858,120.32

In most instances the figures in this list are based on unquestionable statistics of actual saving. Other estimates of probable economies are based on conclusions of clerks and heads of divisions who are familiar with present practices which they know to be excessive and uselessly expensive. And, besides, we can safely add another big item of economy in franking cost to the Postal Service by the limitation of the free-for-all use of franked envelopes, in the lesser quantities of documents that will be sent out under the proposed allotment reform, in lesser number of documents of little or no interest to anybody, and in the reduction of bulk of the CONGRESSIONAL RECORD, Yearbooks, and many other publications carrying a superfluity of space filled with reports, and so forth, in which the public has little or no concern. For instance, the elimination of the annual report of the Secretary of Agriculture in the Yearbooks will amount to a saving of $16,000 worth of paper and printing and the weight of the book and consequent franking expense will be reduced proportionately. Many other similar instances of franking economy by reason of reduction in bulk could be cited, but you see the horse sense in the Yearbook illustration as well as the committee saw it and as the wayfaring man, though a fool, can see it.

GENERAL OBSERVATIONS.

Time forbids that I go into general details of the manifold merits of this bill. It has no politics in it, it has no favoritism in it, and it has no purpose except that Members of Congress be given a more helpful and more economic public printing service than now. Of course, it is not satisfactory to all. No improved legislation was ever proposed which curtailed privileges or eliminated unnecessary expense that did not incur opposition from those who want to be let alone or those who want more than consistency and justice to others will permit.

There are, as we believe, so many advantageous features in this bill that no Member of Congress can vote against it and serve his constituents best. It may be improved by amendments, and to that end the committee invites sincere endeavor from any source. But opposition which arises because the bill provides for a faithful public service, rather than continue the present method of a service wide open to imposition, ought not to have much influence with Members who are here to serve the public rather than the public serve them with advertising facilities.

It is high time that the people measure the merit of their Members of Congress by their work and votes in legislative endeavor rather than by the number of letters and the amount of free document stuff they can send out. But I would not be understood as opposed to the legitimate use of the franking privilege. The people have a right to know the nature of bills, what is being said of them, and what is being done in their Congress and by heads of their Government. They, too, have a right to Government helps in suggestions of experts in health, comfort, industry, and vocational endeavor. This is a people's Government, and they have a right to be liberally advised through free-postage privilege what is being done for them or to them, so they may intelligently direct the future by their votes.

The present methods of misusing the public printing and franking privilege is not graft. It is a custom that has grown up because of lax and flexible regulations, which mean most anything that precedent has established. It has not been violation of law, for there has been no well-defined enactment, and officials and Members have placed their own interpretations on what they have a right to use and the people's Treasury has suffered accordingly.

But hereafter the law will be specific if you enact this bill; department heads and Members will all know what is proper and what improper, and the public can easily learn from official publicity if their officials are overdoing in the matter of promiscuous document distribution.

Gentlemen, the citations in the committee report and in this presentation merely touch the high places of economic possibility in congressional printing and franking. Abuses that result from "everybody's business is nobody's business" are the bane of the public service. We can correct much that is wrong and wasteful by passing this bill, and we owe it to the country as exemplars of finance, of public trust, and of honor to do it.

There is an adage as old as honesty itself which says if we be true to ourselves we will not be false to others. Therefore, in fairness to Members of Congress and in justice to those whom they represent, we ought to pass this bill and make clear what is right and what is wrong in public-document printing and distribution. The misuse of Government printing and franking has been the stalking horse of common scandal for years, and whether it is warranted or not we can here efface the cause, and I believe it is up to every Member of this House to aid in this legislation by helping to make this bill plain and effective in the largest measure possible that this public service may be vastly improved and its use freed from criticism forever. [Applause.]

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GOULDEN. Mr. Chairman, I have listened with a great deal of care to the able and careful presentation by the gentleman of the bill under consideration, and I have one suggestion that I desire to make to him. The gentleman speaks of the liberal allowance for printing; he should use the word "stationery," and he should give the amount. The gentleman created in my mind the impression that it might be four or five or six or seven thousand dollars; but we know it is only $125 for both stationery and postage. I make that suggestion only because the public might be misled.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield.

Mr. BARNHART. Yes.

Mr. STAFFORD. The gentleman refers to abuses of the franking privilege by Members of Congress. It has been my privilege as a member of the House lobby investigating committee to give some consideration to those abuses, but the impression I gained from the gentleman's statement would lead me to believe that there were but few instances of abuse of the franking privilege. From the investigation I concluded there were only rare instances where Members of Congress permitted their franks to be used by civic associations in violation of the law, and I think the gentleman owes it to the House to make that clear, because some newspapers are only too inclined to pick up some little straw and magnify it in criticizing Congress. I recall years ago when serving as a member of the Committee on the Post Office and the Post Roads of this House the Washington Post carried an editorial charging that pianos and other freightable matter were being sent through the mails by Members of Congress under a frank.

The Committee on the Post Office immediately summoned the editor of that newspaper, Mr. McLean, before it, and we found that there was no warrant whatsoever for that charge. The charge had been made and it had gone broadcast to the public over the country. The public made up its opinion that Members of Congress were violating the franking privilege. It was not the fact. It was refuted, but the refutation did not reach to the quarters the original charge did, and Members are still under that obloquy. The gentleman this morning has stated that it is surprising the number of instances where the franking privilege has been abused. I think he should state, in fairness to the Members, the instances, as far as he can, and the number, so that the country may know that the Members of Congress generally are not indulging in wholesale abuses of the franking privilege. But the instances are few; that is my opinion from

the consideration I have given to this question as a member of the Committee on the Post Office for 10 years and as a member of the House lobby investigating committee. [Applause.]

Mr. BARNHART. Mr. Chairman, on the other hand, the gentleman from Indiana, did not say that there was wholesale violation. He said numerous instances had been reported to the committee, and he recited at least a half dozen or a dozen, without giving names, and I think they are sufficiently conspicuous to identify themselves in the mind of the gentleman from Wisconsin.

Mr. STAFFORD. I do not desire to have the gentleman mention the names, but I would like to have him state from his thorough investigation of this subject whether there are more than 10 instances where the franking privilege has been abused by Members in loaning their frank to civic associations or others.

Mr. BARNHART. I could not say as to how many instances there are. I only mentioned some of those that had been reported to the committee. These are conspicuous and pronounced instances, and I do not recall definitely—I think two of them occurred during the present Congress. The instances are past and gone, and in the course of my remarks I said that the interpretation of the printing law and the franking privilege, as they stand, was such that everyone put his own interpretation upon it; and, while there had been abuses beyond doubt, it is barely possible that those who indulged in them did not consider them to be such.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. BARNHART. Yes.

Mr. STAFFORD. I wish to say that as far as the law is concerned there is no question whatsoever in my mind that it is very plain and clear that no Member can allow his frank to be used for the dissemination of matter published in the CONGRESSIONAL RECORD for the benefit of any organization save one, and that is an organization composed of Members of Congress, that exception being made for the benefit of the respective congressional campaign committees. When the representatives of the National Association of Manufacturers, who had abused the franking privilege by scattering broadcast the speech of a learned Member of this House on a question of interest to the public——

Mr. BARNHART. The gentleman mentions one that I omitted.

Mr. STAFFORD. Those representatives of the National Association of Manufacturers testified they were not acquainted with the law. The law is clear enough, and as I construe the law the Post Office Department, as the representative of the Government, has the right to proceed against every one of the violators of that law for the postage that would be required to be paid in the circulation through the mails of those speeches. There is nothing the matter with the law.

Mr. BARNHART. Mr. Chairman, the difficulty with the gentleman is that he is undertaking to assume that this committee is attempting to regulate the franking privilege. The Committee on Printing in this bill undertakes to do nothing of the kind, except indirectly. If the Committee on Printing can regulate the printing of franked envelopes and slips so that these abuses will be impossible, or if they are indulged in will be reported and given to the public by official publicity each year, we will have taken a long step in the direction of creating a reform and going probably as far as our committee could go, because if we went further we would invade the domain of the Committee on the Post Office and Post Roads. Therefore we have been careful on the line of demarcation as to how far this committee can assist the Committee on the Post Office in preventing the possibility of future abuses which we know to have existed in the past.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. FESS. For information, I want to ask the chairman of the committee a question: Suppose a Member of the House should make an address here, and I should want to use it under my own frank. Would there be any violation of the franking privilege if I secured the gentleman's address and sent it out under my own frank?

Mr. BARNHART. I think not.

Mr. FESS. Suppose an ex-Member of the House were to make an address outside of the House on some occasion and that that address were printed here by unanimous consent. Would it be a violation of the franking privilege for me to send out that address?

Mr. BARNHART. As I understand, the law provides you can frank out any parcel of matter contained in the CONGRESSIONAL RECORD. That is thoroughly established, I believe.

Mr. CANTOR. Will the gentleman yield for a question?

Mr. BARNHART. I will.

Mr. CANTOR. Does the gentleman's committee recommend any change in the present franking law?

Mr. BARNHART. No; this committee felt that it did not come within its province to make recommendation for any change in the franking law except so far as the printing laws can regulate; in other words, in making a violation of the law impossible. We thought we could go that far.

Mr. CANTOR. That is within the provisions of the law and act itself?

Mr. BARNHART. Yes.

Mr. FITZGERALD and Mr. SIMS rose.

Mr. BARNHART. I yield to the gentleman from New York.

Mr. FITZGERALD. This bill proposes to revise completely the laws relating to printing and binding and the distribution of Government publications. Why should the Joint Committee on Printing longer be continued practically in the control of the administration of a Government establishment that does a business of $5,000,000 or $6,000,000 a year? Why should the Printing Committees of the two Houses assume to do any part of the administrative work in connection with the Government Printing Office any more than the Naval Committee the Navy Department or the Agricultural Committee the Agricultural Department? Why should not the Printing Office be managed by the Public Printer? If he be not competent, let him be removed, and if he be competent he should administer the office. Why should the members of the joint committee have authority to supervise contracts, supervise the administration, and do the innumerable things of a purely administrative character for which there might have been some excuse when the law was first enacted providing that Congress should have its records, files, and other papers printed, but for which no such necessity exists at this time with the progress and advancement in the printing trade?

Mr. BARNHART. Is that the question?

Mr. FITZGERALD. I should like the gentleman to answer the question.

Mr. BARNHART. Well, it is very long, and covers quite a wide range, but in brief my answer would be this——

Mr. FITZGERALD. It is a very important matter. For instance, the gentleman knows that when Congress is not in session the clerk of the Joint Committee on Printing, who always has been, as far as I can recall, selected by the members of the committee of the Senate, remains in Washington and assumes the control of the conduct of the Government Printing Office rather than have that done by the Public Printer.

Mr. BARNHART. On the contrary, the very reverse is true; the Secretary of the Interior has charge of the Government Printing Office when Congress is not in session; but going back to the other question——

Mr. FITZGERALD. He never exercises any control.

Mr. BARNHART. His business is to do it; that is what this bill seeks to do, to fix responsibility upon somebody.

Mr. FITZGERALD. The truth of the matter is that the clerk to the Joint Committee on Printing has the care of the public printing when Congress is not in session. Why should any committee, why should any Member of either House of Congress be engaged in the work of a great administrative department of the Government? Why should we not divorce the legislative branch, now that we are to revise these laws, from the control of an administrative department of the Government and let the Public Printer conduct the Printing Office. Under this bill as proposed he is a figurehead in most respects.

Mr. BARNHART. Oh, the gentleman could not put that construction upon it——

Mr. FITZGERALD. The fact is he is put at the head of the Government Printing Office, and yet there is not a contract of any character, not a thing that he can do himself, but the entire business is done under the supervision of six Members of the two Houses. With all due respect to the entire membership of the two Houses, I do not believe that any three Members of either House are as competent to conduct a great administrative establishment as the man selected for the work, who is a practical printer. If we are to revise the printing laws, laws in reference to the control of the Government Printing Office, it seems to me that a very pertinent matter to be determined is whether the Joint Committee on Printing, or each Printing Committee of the two Houses of Congress, should have anything whatever to do with the administrative work of the Printing Office, and that is a question to be determined in the consideration of this bill. There may be good reasons for it, and, if so, I shall be pleased to have the gentleman state them.

Mr. BARNHART. Now, if the gentleman will permit me here, the Committee on Printing finds that it has something to do. It believes that it has a right to assume some control

over the affairs of the Government Printing Office. It has the responsibility for a good many things. The Committee on Appropriations, I believe, has all that it can do to take care of its special line of business, but the Joint Committee on Printing has charge, as I said in the beginning, of the expenditure of $7,000,000 of funds a year. Under present rule, as I said before, what is everybody's business is nobody's business. Things have been going along haphazard, and I realize, gentlemen, that these other committees are not quite ready to consent that the Committee on Printing of either House should undertake to regulate things which they—the other committees—believe are within their jurisdiction. We have understood that for some time, because we have encountered this opposition before, but on the other hand there is not any question, I believe, but what the Committee on Printing has a perfect right to bring this bill in, and as long as we do not infringe upon the rights of any other committee I believe we are performing a righteous public service. That is my answer to the gentleman's inquiry.

Mr. FITZGERALD. This is not a question of differences between committees. As a Member of the House I have asked the gentleman to state, and I think it is a very pertinent and important matter, the reasons that justify a committee of this House; I do not care whether it is the Committee on Printing or any other—take, for instance, the Committee on Naval Affairs——

Mr. BARNHART. Just a minute. Who does the gentleman think ought to have supervisory control over the Government Printing Office?

Mr. FITZGERALD. I think the Joint Committee on Printing should have full control over the legislation affecting public printing. I do not believe that the committee should have any right, for instance, to administer the Government Printing Office any more than the Naval Affairs Committee should administer the Navy Department or the Military Affairs the War Department or the Committee on the Library the Library or some other committee the Bureau of Printing and Engraving.

The Bureau of Engraving and Printing is nearly as large an establishment as the Government Printing Office.

Mr. BARNHART. It is a different type of business and service altogether.

Mr. FITZGERALD. The head of that office conducts it under the head of a department, and no committee of Congress is attempting to determine the character of materials he should purchase, nor is he prohibited from making any contract or agreement or doing anything at all affecting the management of that office unless some joint committee of Congress approves it. We ought to divorce the administration of these great administrative departments from administrative control of Congress. We have legislative duties to perform. The Committee on Appropriations appropriates money, but it does not attempt to compel the head of any department or bureau to confer with the members of the Committee on Appropriations as to the expenditure of the money.

The gentleman speaks of the conflict of committees. For instance, section 32 of this bill, providing for the method of submitting estimates, is in conflict with the general law relative to the submission of estimates by all departments of the Government. There is another provision in this bill which makes a permanent indefinite appropriation for the Government Printing Office. There is another provision in the bill which authorizes the leasing of additional space upon the approval of the Joint Committee on Printing, regardless of certain other statutes controlling. There are a great many other things in this bill which put in the hands of the Joint Committee on Printing administrative powers which have no justification for lodgment in the hands of any legislative body. Why should not the Bureau of Fisheries be supervised, controlled, and conducted by the Committee on Merchant Marine and Fisheries? I ask in good faith if the gentleman will suggest any reason for the continuance of this policy, now that we have arrived at the stage we have in the art of printing?

A few years ago this House was confronted with the fact that a writ had been issued by the District Supreme Court to the members of the Joint Committee on Printing, bringing them into court to determine whether they should or should not execute a certain contract, because they were performing an administrative function. The question is likely to arise at any time. The Members of this House and of the other House, in the performance of administrative duties, are likely to be thrown into the courts and get into legal entanglements. Here is a great printing office, and why should it not be organized and administered by administrative officials and not by members of a legislative body. Everybody knows that Members of this House and Members of the other House have not time to devote to the conduct of the Government business reaching the enormous extent of $6,000,000 or $7,000,000 a year.

I should be glad to have the gentleman give some reasons. He may have reasons that I have not in mind that will justify this condition. I know no one else to ask if it be not the gentleman from Indiana [Mr. BARNHART], the chairman of the Committee on Printing.

Mr. BARNHART. Mr. Chairman, the gentleman from New York is generally fair and lucid, but when he undertakes to describe the Bureau of Fisheries as an important adjunct to the Congress of the United States he is surely very wide the mark. The Government Printing Office is really a part of the Congress in a large measure. It can not be any other way, because its mission very largely is to serve the Congress. We all admit that. Now, he says there is not any administrative feature to it as it now stands. On the contrary, there is a great organization down there, and under the plan proposed by the gentleman they would either have to report to the Committee on Appropriations or else not report at all, and so far as the finances are concerned the Appropriations Committee does take care of it, and in certain instances, in the not very far-distant past, it has gone down there without proper knowledge, because it did not have the time, and raised the wages of the different classes of workmen out of proportion with wages of other workmen in the Government Printing Office, and created disturbances that are not settled even at the present time.

Mr. FITZGERALD. The gentleman is intimating that something was done from which the inference is that I was responsible. The gentleman said that in the not distant past the Committee on Appropriations went to the Government Printing Office and raised salaries. The truth of the matter is the compensation was raised, if at all, for any employees, not by the Committee on Appropriations, but with the knowledge of every Member of the House, in items fixed in an appropriation bill.

Mr. BARNHART. It was done in a sundry civil bill, as I remember it.

Mr. FITZGERALD. It was not done by any committee; it was done by the House.

Mr. BARNHART. In any event, it was done, and doubtless the gentleman from New York had full knowledge it was being done, and I have no objection to the fact that it was done; but when you take one class of workmen, who are scheduled by the Bureau of Labor at certain wages per hour, and another class of workmen who are scheduled at the same wages per hour in the principal cities, and raise one class and leave the other one where it is you are creating trouble, and there ought to be some committee that has more time to give to the investigation of matters of that kind than a great committee that is overwhelmed all the time with other matters of even more importance.

Now, then, as to the organization of the Government Printing Office. I appreciate the fact that every Government head, and you all appreciate it, would like to have his own way. In the preparation of this bill we encountered practically the head of every department, who insisted that he must have his own way with what documents he should print and how he should print them. They all want all the leeway they can get, and I do not know as I blame them for wanting the largest privilege possible; but, on the other hand, there must be some stay somewhere, and it seems to me that it would be the part of consistency for the gentleman from New York [Mr. FITZGERALD], the chairman of the great Committee on Appropriations, to join hands with us and help regulate these abuses I have pointed out.

Mr. FITZGERALD. I am not objecting to the gentleman trying to regulate the abuses. I have asked the gentleman a simple question, and he has not come within a mile of answering it; and that is, Is there any reason why any committee of Congress should perform purely administrative duties in connection with the Government Printing Office?

Mr. BARNHART. Certainly; in this instance; because the Public Printer is more the servant of Congress than any other man in official life. That is why it is our business.

Mr. FITZGERALD. The gentleman says he is the servant of the Congress. The Clerk of the House is the servant of the House, but no committee of the House attempts to perform his duties.

Mr. BARNHART. No; we are not attempting to perform the Government's duties.

Mr. FITZGERALD. I think the gentleman will find from an examination of his bill that he is not only attempting to provide for it, but to——

Mr. BARNHART. We are attempting to limit sole authority.

Mr. FITZGERALD. There is in Statuary Hall a clerk known as the CONGRESSIONAL RECORD clerk. He is an employee of the

Government Printing Office. What peculiar reform is to be affected by the provision which provides that the Public Printer shall appoint this particular individual with the approval of the Joint Committee on Printing? The law provides that he shall be under the direction of the Public Printer. He is an employee of the Government Printing Office. He is now in the classified service. But here is a provision to fasten that place in the Joint Committee on Printing. It takes the position out of the classified service.

Mr. BARNHART. Well, now, Mr. Chairman, in reply to that I will tell him why the House ought to have something to do with this clerk in charge of the CONGRESSIONAL RECORD. It is because we are in direct contact with him all the time. He is our servant, not the servant of the Public Printer especially. He is the servant of the House and of the Senate, and especially of the House.

Mr. FITZGERALD. No; not especially of the House.

Mr. BARNHART. He is our servant, and we have the right to assist in the selection of him, to approve or disapprove of his selection.

Mr. FITZGERALD. He is not especially the servant of the House, except that his place of business is perhaps nearer the House Chamber than the Senate Chamber.

Mr. SIMS. Mr. Chairman, I approve of the purposes of the gentleman's bill, and know that he is sincere, and all that. But as he is a newspaper man, I want to call his attention to a little matter, because there was several years ago reference made to a charge that a Member from Indiana had shipped 60 bags of seeds from Washington to his home city to be mailed out. The paper in which I saw the item stated that there was a carload of these bags. Of course the paper did not say that these seeds could have been franked here and sent out separately, which would have given the Government postal employees still more trouble than to have them shipped in bags direct from Washington to the Member's home city. But this same paper was a weekly newspaper and claimed that it had a circulation, deliverable in the county of its publication by mail, exceeding 1,000, and on that circulation, I understand, the paper does not have to pay any postage whatever. It was a weekly paper, published in the county, and it was sending out each week more than 1,000 copies of the paper, 52 times a year, which made its franking privilege amount to a much greater number of pieces during one year than the whole franking privilege enjoyed by a Representative of a congressional district. It was lamenting terribly over the abuse of the franking privilege by Members of Congress, and yet it did not mention at all the fact that it was itself exercising the franking privilege in the county in a volume nearly three times that of a Congressman.

It is complained that as an actual fact the Government loses about $60,000,000 a year on second-class matter, which is $60,000,000 lost on the franking privilege extended to these publications. I think these publications, when they abuse Congress, ought to be at least liberal enough to let the people know that they themselves are exercising the franking privilege in a volume vast in extent and far greater than that of the Members of the House.

Mr. BARNHART. Well, I will say to the gentleman that my experience is that there are a whole lot of consistent, sensible, and fair-minded newspapers published in the United States, and then there are others.

Mr. COOPER. Mr. Chairman, before the gentleman takes his seat I want to ask him one question. This Government is founded on the principle of maintaining a separation between the legislative and executive departments. This bill proposes a combination in many respects, of the two in the administration of the Government Printing Office. Some of the men who help make the law are in many ways to execute it. Does the gentleman think that the reasons he has given are sufficient to confer all this executive power on the Joint Committee on Printing?

Mr. BARNHART. Will the gentleman point out in what particular section of the bill it takes from the judicial department of the Government any of its rights and prerogatives?

Mr. COOPER. I said "executive."

Mr. BARNHART. In what respect?

Mr. COOPER. The bill gives directions as to how the law shall be executed in regard to contracts, and the Public Printer is bound to execute them in accordance with the views of the Joint Committee on Printing. The gentleman has pointed out many things that will be under the supervision of that committee.

Mr. BARNHART. I will call the gentleman's attention to the fact that the section to which he is now referring is the existing law. This section is a very slight enlargement, indeed, of the present law.

Mr. COOPER. I was not referring to a particular section, but to many sections of the bill, some of which are new, I think.

Mr. BARNHART. I said in my opening statement that, in the main, this bill is a reenactment of existing law, because it has been found effective, efficacious, and helpful in the public printing service.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Indiana yield to me for a moment?

Mr. BARNHART. Yes.

Mr. STAFFORD. I hope the gentleman did not infer from my remarks that I, as a member of the Post Office Committee, was in any sense criticizing the bill. Far from it. I was merely trying to have the gentleman give the House a full bill of credit, that the franking privilege is not abused by Members of Congress generally. I was fearful that the remarks made by the gentleman might be misconstrued by the newspapers generally as a statement regarding a general abuse of the franking privilege. I think the bill as reported by the gentleman's committee——

Mr. BARNHART. I think if the gentleman from Wisconsin will look at my remarks when they are printed he will find that I very carefully avoided any such criticism, because it was foreign to my thought. I took these particular instances and cited them as a few of those that had been mentioned to the committee.

Mr. STAFFORD. I supposed the gentleman thought I was casting criticism upon him, but it was furthest from my mind to do so in that particular.

Mr. BARNHART. I did not understand it so.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, speaking of the abuse of the franking privilege, as the gentlemen preceding me have just done, I am not sure that I am correct, but my recollection is that one of the Members of the House recently printed in the CONGRESSIONAL RECORD, under leave to print, a letter addressed to his constituents asking for a renomination. I know I have seen the letter, and my recollection is that it was published in the CONGRESSIONAL RECORD. I have been told that that letter is being sent out under the Member's frank, with a picture of the Member at the head of the letter.

Of course, I suppose under the law the Post Office Department may have no authority to stop it. Perhaps it is not an abuse of the franking privilege. But I have always thought that I had no right to conduct a campaign or send out letters of any kind in reference to a renomination or reelection under my congressional frank.

There is a question as to the proper conduct of the Printing Office on the one side. The suggestions made by the gentleman from New York [Mr. FITZGERALD] that a printing office is an administrative or an executive office, and ought to be so managed, are of great force. Congress is not so situated that it is able to manage an executive office to good advantage. I do not think that any board anywhere makes a good executive. An individual ought to be at the head of an administrative work, and I have no doubt but that the Government Printing Office could be better conducted in its ordinary work if the Joint Committee on Printing had nothing whatever to do with it, so far as the administrative end of it is concerned.

That is one side of the question which must appeal to anybody familiar enough with administration and legislation to have gotten into this body. Everyone here must know that Congress does not make an ideal administrative or executive head. We do not even make a very good executive or administrative head as to our own work. We would be run in a great deal better manner, as far as legislation is concerned or as far as the administrative end of it is concerned, if we had somebody at the head to direct us. But as that is impossible in a legislative body, we do the best we can.

On the other side, I hold this bill in my hand. It is dropped into the basket by a Member of Congress to-day, and containing 125 printed pages, we expect it to be printed and in the hands of Members the next morning. The remarks I am now making will, without revision on my part—though revision might improve them—appear in the CONGRESSIONAL RECORD, which will be in the hands of every Member of Congress to-morrow morning. We could not rely upon having this bill, dropped in the basket to-day, printed and in the hands of Members to-morrow morning unless we had some control over the public printing establishment, originally known as the Congressional Printing Office.

I do not recall, if I ever knew—which I probably did not—the history of the beginning of the congressional printing, but I suppose that in the early days Congress found that it was necessary to control its own printing—which very likely was originally done by contract—so that it could determine that a thing should be done and done promptly and done correctly and have it under its own control. I do not believe it would be practicable for Congress to obtain from the Government Printing Office the work that it must have done for the orderly procedure of legislation if it had no strings tied to that work. How far the Joint Committee on Printing ought to pass upon the kinds of paper that are to be used and to pass upon the samples of paper and the kinds of ink and the samples of ink to be used upon all the contracts that are entered into for all the work of the Government Printing Office, which now extends practically to all of the printing done by all of the departments of the Government, I do not undertake to express an opinion about.

The distinguished gentleman from Indiana [Mr. BARNHART] the chairman of the House Committee on Printing and the ranking House member of the Joint Committee on Printing, has presented this bill before us as a codification in part of the existing law and in part as an amendment to the existing law. The bill has been floating around Congress for quite some time. I do not now remember whether this bill was drawn to a large degree before the distinguished gentleman from Indiana became a Member of the House, but I think it was before he became chairman of the House Committee on Printing, and he is not entirely responsible for the matters that are in the bill, though I am glad to say I think we never have had a better, more conservative, more gentlemanly, and more courteous chairman of the House Committee on Printing than the gentleman from Indiana. [Applause.]

Now, this bill is one of details. The committee has not endeavored to reform the control of the Printing Office. That control is now in the hands of the Joint Committee on Printing. The committee may have intended in the bill to enlarge its powers and functions somewhat, but in the main the bill is one of details. As a rule, in examining bills that consist mostly of matters of detail I try to determine whether the man who drew the bill was careful about his details. When I strike a few places about which I wonder whether they have been carefully considered, then I wonder whether the whole bill has been carefully considered.

I call attention, for instance, to section 46, paragraph 2, page 42, of the bill. I shall not read the language of the bill, but the substance of it. It provides that of Senate documents and reports there shall be distributed to the Senate document room 300 copies. The language of the bill is in all cases "not to exceed," but that means the full number. Of Senate documents the Senate document room is to have 300 copies, and the House is to have 500 copies. When it comes to House documents, the Senate is to have 150 copies and the House 500 copies. The bill proposes to give to each Senator three copies of a Senate document, and to each Senator one and one-half copies of a House document. When it comes to House documents, it proposes to give to each Member of the House one copy, and of each Senate document one copy. Now, I am very appreciative of the distinction and honor of being a United States Senator, and I have the highest respect for that body; but I can not understand why you should print 800 copies of a Senate document and 650 copies of a House document. Of course, I am not a candidate for the United States Senate, and never will be, and perhaps the gentleman from Indiana [Mr. BARNHART] is.

Mr. BARNHART. I take it I am not telling any family secrets when I say that in the hearings it developed that the clerks of the document rooms of the House and Senate agreed that it was necessary to have more Senate documents than House documents, because the House is very much more strict in what it permits to be printed than is the Senate, and therefore they have more calls for Senate documents in the House document room than otherwise would be the case.

Mr. MANN. Let us see about that. If the House is more strict about what it publishes as a document, then it publishes better documents on the average than the Senate, which is less strict; and yet the gentleman proposes to print, of these favorite documents, 650 copies, and of any old document 800 copies. I am afraid the explanation is worse than the original proposition.

Mr. BARNHART. If the gentleman will yield, this is virtually a reiteration of the present proportions, considering the enlarged membership of the House.

Mr. MANN. I do not see that that makes any difference. The original proportion was fixed many years ago, before the House or the Senate was of the same size that it now is.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARNHART. We took it that if there had been any serious complaint the superintendent of the House document room would have been aware of it.

Mr. MANN. If the superintendent of the House document room is not aware of it, he is more stupid than I take him to be. It is a common thing to send for a House document and find the number exhausted in the House document room, and have to send to the Senate to get the House document.

Mr. RUCKER. Will the gentleman yield?

Mr. MANN. I will.

Mr. RUCKER. In confirmation of what the gentleman from Illinois has just said, I have to-day on my desk four applications for documents which they tell me can not be had.

Mr. BARNHART. As a matter of enlightenment, we are now under present law printing documents for 391 Members of Congress, and we have 440, and, as a matter of course, the supply is low all the time; but this bill undertakes to provide for that. It provides for the enlarged membership of the House. The growth of the House has been enormous—something like 78 within the last 20 years, and in the Senate about 8.

Mr. MANN. The growth of the House has been considerable, but that was not known to the gentleman who drafted the provisions of the bill, because he has not recognized that fact. He has proposed no greater number of House documents to be printed now than was provided for before the increase in number. And, even if he had, no one but a Senator or a Senator's secretary would have provided for the printing and supply of as many documents for the Senate or a Senator as he did for the House. But let us see what it does. This is new. The House is to get 500 copies, and "upon the order of any Senator or Member at the beginning of each session one copy of every document for such session shall be promptly delivered to his office by the Senate or House document room, respectively, from the number provided therefor in this section."

Of course, each Member of Congress is not going to read these documents. Now, when he wants them he comes to the House document room, which receives 500 copies. It will be a very green Member of Congress having a very green secretary who, if this becomes a law, will not at the beginning of each session of Congress order the document room to send to his office a copy of every document published. That will take 435 copies of the 500 copies furnished. After they receive them they will pile them up until they get too high, and then they will dump them in the wastebasket. Then when a Senator or a Member wants a copy he will send to the document room, and the document will not be there. This is a new proposition. Without an increase in the number to be published, without an increase corresponding to the increased membership of the House, limiting the number published for the House document room to 500 and having disposed of 435 at one fell swoop you do not leave any in the document room for the benefit of the public.

That is not the worst. On top of page 43 it is provided that any Member can have every document sent to him from the document room during the entire session. This includes reports both upon public and private bills. Now, from the reports on public bills there are to be 500 copies sent to the document room, of which 435 will be distributed to Members. Of private bills there are to be 200 reports sent to the document room, and out of them the document room must distribute 435 to Members. That is a mathematical computation which anybody can engage in who desires. There have been a great many people studying for a long while how to make 200 in number reach around so as to give 1 to each of 435 Members, but nobody ever discovered the method until the joint committee reported this bill. I will yield to the gentleman from Indiana to answer.

Mr. BARNHART. Mr. Chairman, I call the attention of the gentleman from Illinois to the fact that the provision at the top of page 43 does not refer to bills at all.

Mr. MANN. I did not say that it did.

Mr. BARNHART. I do not, then, understand what the gentleman did say.

Mr. MANN. It refers to documents.

Mr. BARNHART. The gentleman said that we had provided for a certain number of bills and also provided that a copy of these bills should be sent to each Senator and Representative, and the provision does not say anything of the sort.

Mr. MANN. I have not mentioned bills, but I will later when I reach them. I am only calling attention to these matters, not

for the purpose of saying that these are my criticisms of the bill, but for the purpose of testing the accuracy with which the drafter of the bill drafted it as to details.

Section 46, paragraph 5, provides that of House reports on private bills and of Senate reports on private bills they shall deliver to the office of the Secretary of the Senate not to exceed 10 copies. That is a perfectly legitimate purpose, but they do not give any to the Clerk of the House. If we have a private bill and report presented we send over 10 copies to the Secretary of the Senate, as we do also if there is a Senate bill and report of a private bill; the Secretary of the Senate gets 10 copies. But the drafter of this bill had forgotten that there was a Clerk of the House. It is just as essential that the Clerk of the House should have private bills and reports as it is that the Secretary of the Senate should have them.

Paragraph 5 of section 46 provides:

Of the Senate reports on private bills and simple and concurrent resolutions there shall be distributed, unbound, to the Senate document room, not to exceed 220 copies; and of the House reports on private bills and concurrent and simple resolutions, not to exceed 100 copies.

If it is a Senate bill and report, the Senate document room gets 220 copies. If it is a House bill and a House report, the House document room gets 200 copies. In addition to giving 220 copies of the Senate report to the Senate document room, we give the Secretary 10 copies; and then, having economy in our minds, when it comes to ourselves, we take 20 copies less for our document room of a House report than we give to the Senate, and we cut out the Clerk of the House altogether.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARNHART. I think I can explain that to the satisfaction of the gentleman from Illinois. I hope I can. I do not know whether he is making technical criticisms or not.

Mr. MANN. Of course I am making a criticism of the bill.

Mr. BARNHART. The inference that the bill has not been carefully considered by the present committee is a mistaken inference. The fact of the matter is the present committee had before it the superintendents of the document rooms of the House and the Senate and their chief clerks, and my recollection is that it was the superintendent of the House document room, through the very efficient Mr. Joel Grayson, who is so helpful to all of us, who gave us the information in many of these instances. Where large numbers of documents are printed, authorized by the House, there has been little or no demand for them; and he suggested the limitation; and, just the opposite, the superintendent of the Senate document room found that there was a constant demand from him.

The figures may have been slightly changed, but it was done upon the recommendation of these agents of the House and the Senate, who insisted that was the number of documents they ought to have to furnish the supply. For instance, in the matter of private pension bills the number printed are a burden upon the House side, and we have a provision in the bill to abolish them entirely until they are reported out. This because of the 100 that are printed the man who introduces the bill probably puts 1 in his file, and of the balance of the 100, 1 is sent to the man for whom the bill is introduced and the rest go to the junk heap. That is done in the House in such large proportions that our investigations led us to fix these numbers upon the basis upon which they are scheduled, and while some of them may not look right, I think that when we come to the consideration of the bill by paragraphs we will be able to show from the hearings that in the main the bill has been carefully digested and arranged, as I said in the opening statement, according to the evidence of the needs of the Congress, and which we ascertained from an examination of those whom we believe to know what is needed.

Mr. MANN. Mr. Chairman, I do not propose to argue the question. If any gentleman's mind is so constituted that he believes that 98 Senators need 220 copies of a Senate report upon a private bill and 435 Members need only 200 copies of a House report upon a private bill, the matter is beyond argument. The mere statement of the case answers all that the gentleman from Indiana has said. Senators have no greater use for Senate reports on Senate private bills than House Members have for House reports on private House bills. I do not undertake to say what is the correct number, though I have been here and have seen superintendents of documents come and go, and have kept fairly well in touch with the documents and reports of both the House and the Senate.

Take section 47, paragraph 1, and we find the following provision:

There shall be printed of each Senate and House bill and resolution the number of copies for the following distribution: Of all public bills and joint resolutions there shall be distributed to the Senate document room not to exceed 300 copies, to the office of the Secretary of the Senate not to exceed 15 copies.

The Secretary of the Senate comes in in both places. The Clerk of the House is not recognized at all. There is no more need for the Secretary of the Senate having a file of these documents than there is for the Clerk of the House; but the Joint Committee on Printing—and this is my main objection to it—since I have been here has always been dominated by the Senate or a Senator. I have great regard for the Senators who have dominated it.

Mr. BARNHART. Mr. Chairman, the gentleman is always fair and instructive, and I believe that I can help him in this instance.

Mr. MANN. I am very much in need of help.

Mr. BARNHART. I will call attention to the fact that the provision to which he is now referring is practically a reenactment of existing law.

Mr. MANN. That does not make any difference to me.

Mr. BARNHART. The fact of the matter is the House committee made up its own bill, and we have many changes in the House bill from the Senate bill. These figures and estimates were made after we compared notes and had a meeting with the superintendents of the document rooms of the House and the Senate, with the result that they set forth that the estimates were the demand of the Senate, and that that was what they needed. Of course we then decided that inasmuch as the Senate would insert that in their bill anyway, if that is what they need—and I am in favor of letting them have what they need—that we might as well put it in our bill; but if the House does not need any more than was indicated to us, the Committee on Printing is not in favor of forcing any greater number upon the House.

Mr. MANN. The gentleman from Indiana is a little behind. He is answering an argument made some time ago and that he answered once before. Will the gentleman now tell me why it is necessary for the Secretary of the Senate to have 15 copies of every bill and not necessary for the Clerk of the House to have them?

Mr. BARNHART. That is for the reason that there is a different organization in his office, or so he sets forth to us, and that there was a demand for them, and that he had use for them and must have them to meet the demand.

Mr. MANN. That is childish. I would not say that of the gentleman from stating that, but if the Clerk made that statement, it is a childish statement. The Secretary of the Senate performs the same functions for the Senate that the House Clerk performs for the House. He has no more need of documents than the Clerk of the House, and I presume both ought to have and keep a file of them. The Clerk of the House wants these bills and ought to have them, and no provision is made in the bill for the delivery of any to the Clerk of the House; no provision in here, as I recall, for the bill to be delivered to the committee which has to act upon it, unless you get it from the document room. You take care of the Senate. When I was chairman of a committee they used to bring us—maybe we sent for them, I do not know, but we always had some copies of the bill delivered and always used to have from 15 to 25 or 30 copies of every public bill in the committee room. In addition to the number that would go to the members of the committee, there was always one copy of a bill to every member of the committee. You do not provide for doing that. You can not give every Member of Congress a copy of a public bill under the terms of this act. You do not make any pretense of taking care of the Clerk of the House, who has to have copies of the bill.

Section 50, paragraph 2, says:

SEC. 50. PAR. 2. Whenever any committee or commission of Congress shall have printed hearings or other matter relating to their official business, not confidential in character, there shall be printed, in addition to the number authorized for the use of the committee or commission, sufficient copies to meet the following distribution: To the House document room, 1 copy to be delivered to each Member, Delegate, and Resident Commissioner, and not to exceed 50 copies in addition thereto; to the Senate document room, 1 copy to be delivered to each Senator, and not to exceed 25 copies in addition thereto.

Of course that is an entirely new proposition. I can not imagine anything more grossly extravagant and unnecessary than that. We print hearings by the thousands upon thousands of pages. A Member of Congress who is interested in a particular hearing can obtain a copy of it from the committee room, or if there is an excessive demand from the public the House gives authority to print additional copies. But here is a proposition that a copy of every hearing before every committee shall be delivered to every Member of Congress. Why, you might as well say you will send the Library of Congress to each Member of Congress. What good does it do? It adds to the amount of money we receive from the sale of waste paper, because every

Member of Congress every session of Congress will throw away a pile of hearings that would reach from the floor to above the top of his head, and he will not look at them at all unless he is specially interested; and if he is specially interested, he gets the hearings. Now, I do not know who made the estimate about how much this would cost extra, but I would like to ask my friend from Indiana, What is the estimate of the extra cost by the reason of the publication of these hearings?

Mr. BARNHART. I do not recall.

Mr. MANN. Very well.

Mr. BARNHART. The fact of the matter is the gentleman from Illinois has an entirely different conception of the meaning of this section of the bill from what the committee has.

Mr. MANN. Well, let me read and see whether there is any difference of meaning. It says:

SEC. 50. PAR. 2. Whenever any committee or commission of Congress shall have printed hearings or other matters relating to their official business, not confidential in character, there shall be printed, in addition to the number authorized for the use of the committee or commission, sufficient copies to meet the following distribution: To the House document room, 1 copy to be delivered to each Member, Delegate, and Resident Commissioner, and not to exceed 50 copies in addition thereto; to the Senate document room, 1 copy to be delivered to each Senator, and not to exceed 25 copies in addition thereto.

How anybody can have a different opinion of what that means passes my understanding. It is as clear as the English language can be written.

Mr. BARNHART. It is as clear as language can possibly make it that that restricts the publication of hearings. It sends 1,000 copies of hearings to the committee and then furnishes 1 to each Member of Congress, just as the committee intended to limit it.

Mr. MANN. Mr. Chairman, the gentleman from Indiana is hardly correct in his statement to the committee. There is no change in this from the number of hearings now authorized to be delivered to the committee. This is in addition to the number which the committee receives. It says one copy to be delivered to each Member of the House. It will take quite a corps of men to deliver them.

Mr. BARNHART. I trust I am not intruding on the gentleman's time, but here is the situation which confronted the committee in the consideration of this matter: When 1,000 copies of the hearings are sent to the committee, ordinarily the members of the committee who are interested in these hearings and who participated largely in the proceedings find it convenient to broadcast this 1,000, and they then come back to the House; and I want to say to the gentleman from Illinois that I think possibly I have lost the good will of otherwise very excellent friends because it has become incumbent upon me, in order to hold these appropriations down, we have had to refuse them continuously, and sometimes there is absolute need; so it was decided by the committee, after a very full consideration, it would be better to send by mail to each Member of Congress a copy of the hearings, and if he chooses to throw them away that is his misfortune——

Mr. MANN. That shows good sense.

Mr. BARNHART. And if he wanted to send them away he could do so, but we gave the committee the 1,000 hearings that they now have to which they are now entitled. Hereafter we will only send one copy under the provisions of this bill to each Member of the House, and if the Committee on Printing has the backbone it ought to have it will end there.

Mr. MANN. Now, Mr. Chairman, for a great many years I served on a committee of this House which, I think, had more hearings than any other committee of the House, and for a time I was chairman of that committee. The statement of my friend from Indiana that members of the committee sent broadcast the 1,000 copies of the hearings which were delivered to the committee is gratuitous and made without information. It is not the practice of committees to do that. It is not the practice of Members of Congress to do that. It is the practice of committees where they have requests from people indicating that they are interested in a particular proposition for the chairman of the committee to have a copy of the hearings sent to the list that is kept for that purpose. Now, that is a provision for a distribution of the hearings, and when the list exhausts the number that is allowed—the 1,000—then it is the duty of the Committee on Printing to allow more copies to be printed. Usually they have refused that during the last two years. Before the last two years under the law it was supposed that the Committee on Printing would order a reprint, and they would order a reprint when the 1,000 copies were gone. I do not know, but I presume you can still find in the Committee on Interstate and Foreign Commerce some hearings taken before that committee while I was chairman of it and before I became chairman of it, which were preserved in proper method, so that they could be reached for distribution when anybody desired them, much more carefully than the Joint Committee on Printing preserves anything.

Now, the proposition is that instead of increasing the number when there is a demand for it, which goes to the committee which will have charge of the distribution and which will have the request, you are going to deliver to each Member of the House a copy of these hearings when you know that Members of the House will not read them, will not retain them, will only throw them in the wastebasket if the Members have any sense. A Member of Congress can not read all the hearings of all the committees in Congress even if he could extend his time so that he had 240 hours a day instead of 24 hours a day, and if he did read them all he would not know anything when he got through. He would be a driveling idiot. Those things he wishes to know about he keeps posted about, and he gets the hearings. But this proposition here is a pure waste of money.

There is one thing I want to call attention to, and this is not a criticism in any way of the bill. We print what we call "slip" laws, and it is a very common thing to refer to a law by the number that is given. Slip laws are given numbers, according to each Congress, and you frequently find a reference to a slip law by number, say "No. 241." You do not know whether it is this Congress or the preceding Congress or a Congress of 10 years ago by the number, and very often you find this is referred to by people who suppose that Congress has had sense enough to inaugurate a system by which you could identify a bill or a law by its number, but you could not identify it by its number. I asked the State Department some time ago—during last summer—as they make out the copies of the laws for printing, if they would not change the methods so that each number would apply to a Congress, and the slip laws are now printed as "number so and so," say, "Sixty-third Congress." Well, that was a very good reformation so far as it went, and I congratulate both the State Department and myself for having it done.

Now, we make no distinction, as a matter of fact, between a joint resolution and a bill. They both have the same effect; they both mean the same thing. One reads, "*Be it enacted,*" and one reads, "*Be it resolved.*" They are both approved by the President. They usually refer to a bill by the date of its approval. Unfortunately, no one yet has ever been born who could prepare an index that met everybody's mind. My experience is, and I constantly refer to the Statutes at Large, if you know the date of a law you had better look for it by the date than look for it by the index, because I very rarely find at the first place I look for in the index what I am looking for. And speaking of indexes, I may say the worst indexed thing I know about is the House Calendar. I do not know who is responsible for that.

Now, you provide for a different series for laws and joint resolutions, and when they are printed in the Statutes at Large the laws are printed according to the date of their approval, in consecutive order. You do not print the joint resolutions until you finish with the laws, and so the dates of the joint resolutions come in consecutive order and the dates of the laws come in consecutive order. A sensible method of printing is to make no distinction between a joint resolution and a law, but to print them all in consecutive order and number them all in consecutive order. They are all laws. You call one a "joint resolution" and you call the other an "act," but they both mean the same thing.

A gentleman came on the floor of the House here not long ago, to my certain knowledge, who had a reference to a law by date. He looked in the Statutes at Large under that date, and found there was no law under the date. He was looking under the acts. The reference was simply to the law, and he came on the floor of the House to tell me there was no such law. Well, having been caught myself that way years ago, I suggested possibly that the man who made the reference was accurate, and asked him if he had looked under the head of joint resolutions. He said he had not, but supposed that they were all printed together, as they were all laws. He came back afterwards and told me he had found this law along with the joint resolutions printed in a different place in the book than where it would have been printed if it had been an act of Congress, although it meant the same, whether it was an act or a joint resolution.

Now, here is an objection I have to the bill. On page 59 it says:

That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room, and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him, as provided for by law.

Now, that is a new proposition. At the end of the Sixty-first Congress there was passed a law giving to the different Members of Congress certain documents, which was repealed at the

special session of the Sixty-second Congress. There has always been some conflict between the retiring Members and the new Members, but it has always been held, under the law, that a retiring Member of Congress had control over the publications in the folding room to his credit when he went out of office until his successor was sworn in at the beginning of the session of the Congress following. Now, I do not know why the Joint Committee on Printing has proposed this startling change in the law. Nobody here is asking for it. Just why should Members of Congress here legislate that when they get out of office they immediately lose the documents to their credit, and that the documents go to their successors who have not yet been sworn in? Of course, I believe in extending the hand of charity, but it seems to me that is a little too charitable.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. I will.

Mr. BARNHART. The gentleman from Illinois seems to proceed on the theory that these documents belong to the Members. They do not belong to the Members at all.

Mr. MANN. I will yield for an explanation, but not for an argument.

Mr. BARNHART. They belong to the districts and not to the Members, and if one Member does not send them out, and the district is entitled to them, his successor has the right to send them out, because they have paid their proportionate share for them.

Mr. MANN. They belong to the Member of Congress to send out. The retiring Member can send them out as well as the incoming Member. The gentleman has not given any explanation yet as to why he proposes such a radical change. I undertake to say to him that I do not think Congress is constituted of men so exceedingly foolish that they will make such a change. I do not know whether I shall go out of Congress at the end of this term or not, and no one else probably knows about himself, but I think that Congress is quite able, even if the Members are retired, to take care of their documents and franking privilege, as they now possess it, until the next session of Congress.

Nor do I see any reason why, if a Member has documents to his credit in the folding room, and is desirous of keeping certain kinds of documents there until he gets a set, he should be deprived of them at the end of two years. I have got some documents in the folding room that have been there for many years, where I endeavor to give a set to somebody who is interested in the subject treated, instead of sending them out as soon as I get them to Tom, Dick, and Harry, who may not be interested in the subject. But this proposes to say that at the end of two years—and no Member can know when the two years are up as to a particular document, regarding the date of its publication—he is to be deprived of them.

I must hasten along, because I see I shall not be able to finish all I desire to say within my hour. Section 57, paragraph 2, provides:

> The superintendent of documents shall, under the direction of the Public Printer, have general supervision over the distribution of all Government publications committed to his custody.

That is very similar to the existing law. I do not wish to complain about any of these officials. I have no doubt they do the best they can do. But the present system, while it may be economical, is not efficient.

Now, I am going to give you a particular case that is still on the table. On August 11 I received a telegram from the Dry Goods Reporter, of Chicago, asking me if I could have sent to them immediately copies of the Trade Directory of South America, another publication entitled "South American Markets for Canned Goods," and still another one entitled "South America as an Export Field." On receiving the telegram my secretary communicated with the Department of Commerce in reference to these documents, to know if they were available, and was told that they could all be obtained only through the superintendent of documents; that the directory would cost $1. We immediately communicated with the superintendent of documents, inclosing to him a form letter with $1, and asking that the Trade Directory be sent at once, as it was an urgent matter. Also the Department of Commerce sent the communication to the superintendent of documents, asking that the two other publications be sent to me. That was on August 11.

On August 12 the Chief of the Bureau of Foreign and Domestic Commerce sent me a letter in compliance with my request, as follows:

> DEPARTMENT OF COMMERCE,
> BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
> *Washington, August 12, 1914.*
>
> Hon. JAMES R. MANN,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR SIR: In compliance with your request over the telephone to-day, the bureau takes pleasure in inclosing herewith a subscription blank for the Trade Directory of South America, and to advise that copies of special agents' series No. 81, "South America as an Export Field," and special agents' series No. 87, "South American Markets for Canned Goods," will be sent to you by the superintendent of documents, Government Printing Office, who has been supplied with a mailing frank for that purpose.
>
> Very truly, yours,
> A. H. BALDWIN,
> *Chief of Bureau.*

That was August 12. My office does not stop with these things. We had communicated already by telephone. It was on August 12 that my secretary called up in reference to the matter and received this information. On August 14, not having received the documents "South America as an Export Field" and "South American Markets for Canned Goods" we called up the superintendent of documents in the afternoon and asked whether the documents had been sent to me. We were informed by the person answering the telephone that it was not possible to locate the order; that they could not tell whether they had received the order or not or whether they had filled it. We then asked whether the directory had been sent, in accordance with the order that had been forwarded, inclosing the $1, and the man answered that he could not tell anything about it, but would look it up and let us know.

The next day, the documents not being in the morning mail, we again called up the Chief of the Bureau of Foreign and Domestic Commerce and laid the facts before him. He promised to send the documents requested from his office and not wait on those to be sent from the superintendent of documents. My secretary asked the Chief of the Bureau of Foreign and Domestic Commerce if he did not think the delay in attending to this request was unusual, and was informed that it was the usual thing, that there was a great deal of trouble constantly arising about having documents sent out by the superintendent of documents.

On the same day, after we had called up the Chief of the Bureau of Foreign and Domestic Commerce, at a later hour we called up again the superintendent of documents, and the man who answered the telephone informed us that the Trade Directory of South America would be sent to the party desiring it on Monday morning, August 17. This was on the morning of Saturday, August 15, and a letter had been sent to them several days before.

That is not the way we do business in my office; and my clerks, not being familiar with that method of delay, asked why it was not just as easy to send that document out on Saturday morning as it was to wait until Monday morning, notwithstanding the fact that the office closes at 1 o'clock on Saturday; why it would take any longer to send out the document than it would to answer the telephone and tell why it could not be done.

Well, my clerk did not get any satisfaction from the person who answered the phone, and, understanding the business, asked to talk with the superintendent of documents himself. That official very properly and promptly said that there was no excuse possible to be given, and that the document would be sent out at once, and that the clerk that had answered in the way he had would be "called down." I presume that was done; and very likely the Trade Directory, for which we had forwarded a dollar, has gone out. As to the two other documents that we asked for, first on August 12—what is the date of to-day?

SEVERAL MEMBERS. The 19th.

Mr. MANN. We have not yet received them.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Now, I would like to have some gentleman who wants to transfer all this work to the superintendent of documents explain why it takes from August 12 to August 19, after repeated inquiries, to get two documents out of the superintendent of documents. Meanwhile I have gotten those documents from the Chief of the Bureau of Foreign and Domestic Commerce, who is efficient, while the other office is entirely inefficient. [Applause.]

Mr. BRYAN. Mr. Chairman, the proposition I desire to take up for a few minutes has to do with an extension in the RECORD, and is especially in order in connection with the discussion of this printing bill. In addition to that, the extension in the RECORD has special reference to the circulation and distribution of speeches for campaign purposes, and that makes it doubly in order for me to discuss this matter at this time. The extensions I refer to were made principally by my colleague, Mr. HUMPHREY, on a leave to print granted him either in connection with one of his tariff utterances or under general unanimous consent to extend on the reclamation extension bill. I have searched the RECORD for his authority and have concluded that it was under this latter authority that he acted. I am, not questioning his authority. The further extension by the gentleman from Washington [Mr. LA FOLLETTE] seems to have been under similar authority. I have not found in the RECORD

where either of the gentlemen asked for permission to extend the particular matter, but, as stated, I do not question the regularity of the authority in either case.

The particular reference in the speech, or in the extension to which I have referred as making my remarks particularly in order, is one which lauds my colleague [Mr. HUMPHREY] as a Member of this Congress and urges his retention and inferentially the retirement of myself, because of the fact that his speeches made out of Congress are so popular and there is such a demand for them that they have very wide distribution through printing in the RECORD and distribution under Government frank. The statement referred to is as follows:

He has taken first rank in the debaters of the House, more than 75,000 copies of his speech at Indianapolis having been printed and circulated in various portions of the country.

These extensions in the RECORD are purely political propaganda, and they were preceded by attempts on my part to keep such matters out of the RECORD, as the facts will show.

It so happens that, by virtue of a legislative reapportionment in the State of Washington, it will be impossible for both my colleague and myself to return here after March 4, 1915.

On the 14th of last July, on the floor of this House, my colleague [Mr. HUMPHREY], without any challenge or provocation whatever on my part, suggested a criticism of my record. At that time I very much questioned the policy of injecting political controversies into the RECORD, and I still disapprove of such procedure. In accordance with those ideas, I made the following statement, which was incorporated in the RECORD of that day's proceedings:

I have planned to keep out of the debates or proceedings of this House any reference to the campaign between us as to the representation of the first congressional district on this floor. That is a matter for the hustings in my State. But in my colleague's brief reply to the gentleman from Alabama [Mr. HEFLIN] a while ago he threw down the glove before me, in a sense, by criticizing my vote on the tariff. * * * That glove I shall cheerfully take up at the proper time and place, which is during the campaign and in my district. "The proof of the pudding is in the eating thereof," and I have decided to put the matter up to him in the following manner:

My colleague [Mr. HUMPHREY] having in public debate this afternoon in this House referred to and adversely criticized my vote on the tariff, I invite the gentleman to meet me and as many of the people of the first congressional district of the State of Washington as care to attend at a public meeting at the Dreamland Rink, at Seattle, Wash., a hall with a seating capacity of 5,000 people, on such date in the month of September next and under such rules as may be agreed upon by Mr. J. C. Herbsman, the State chairman of the Progressive Party, on my behalf, and some other person to be named by my colleague on his behalf; provided, that the rules to be adopted shall make it in order for Mr. HUMPHREY to defend his own record on the tariff and other matters in Congress and to attack mine, and for me to defend my record and attack his; and provided further, that at the close of the last speech, without further delay, the question of who pays the expenses of the meeting—not to exceed $250—shall be submitted to the audience and decided by majority vote; the amount of such expenses to be deposited pending the decision of the audience by each of the speakers while the band plays but before the speaking begins. R. S. V. P.

HUMPHREY IGNORES INVITATION AND EXTENDS IN RECORD.

Up to this time I have received no answer whatever to this invitation. It is evidently the intention of my colleague to ignore it entirely. But that is not all of the story. If that were all, I would say no more here on the House floor.

Determined not only to ignore my proposition, my colleague and his friends have made almost unprecedented use of the CONGRESSIONAL RECORD, with campaign statements and voluminous arguments on his and their behalf. When these glaring statements are sent out under frank to the voters of the first congressional district—and I understand some 20,000 copies have already gone out, besides very extensive newspaper publications—I will have no adequate way of answering them, since it is plain that my colleague will not meet me as I have suggested.

For these reasons I am compelled to answer these statements, which contain glaring inaccuracies that must be controverted. Surely, a Member, under such circumstances, would be totally derelict to duty if he did not take such a course. It is not a matter now of campaigning for myself or against my colleague, but the rendition of a public service in correcting misstatements that will work great injury if not corrected.

On July 17, three days after my remarks, Mr. HUMPHREY inserted in the RECORD, under leave to print, four voluminous letters, addressed to Hon. W. A. Rupp, chairman Republican State committee, Aberdeen, Wash. One of these letters was from Senator WESLEY L. JONES, one from Mr. HUMPHREY, and one from the gentleman from Washington, Mr. JOHNSON, and one from the gentleman from Washington, Mr. LA FOLLETTE.

Following these letters came the platform of the late Republican State convention, held at Tacoma, Wash. In this series of letters each of the gentlemen were more or less complimentary of the other, carrying out the principle, "I'll tickle you, love, in your lonesome ribs if you'll tickle me, love, in my lonesome ribs." Mr. JOHNSON made this highly humorous reference to my colleague, Mr. HUMPHREY:

Show me—

Says the gentleman—

any New England or southern State that would call upon men like JONES and HUMPHREY * * * to even think of having to fight to hold the advanced positions which they have earned among the lawmakers of the Nation.

These letters and the party platform cover more than six pages of the RECORD, and if put into an ordinary pamphlet would make 20 pages. Just for pastime, I am going to quote a few selections from the pen of my colleague, so as to remind the Members of one of the leading traits of this gentleman, who, according to my other colleague, Mr. JOHNSON, would not "even have to think of having to fight for reelection if he lived in a southern State."

These selections are taken from the extension in the RECORD and from the Indianapolis speech made to business men and others, of which speech 75,000 copies have been printed at the Government Printing Office in addition to insertion in the RECORD:

Every day this Nation is going in debt more than a million dollars.
To-day 238,000 freight cars stand idle.
To-day 500,000 railroad employees are out of work.
To-day more than 3,000,000 men are idle, asking for work.
To-day the balance of trade is against us.
The business of this Nation has decreased a million dollars every hour that Woodrow Wilson has been in the White House.

In view of that statement, too extravagant for an Alice in Wonderland, the following, which may be termed a "Eulogy of a dear friend's political career," appears to be a joke rather than the sober statement of a profound Senator.

He [Mr. HUMPHREY] now has a national reputation and is everywhere regarded as an authority upon the questions of the tariff, rivers and harbors, merchant marine and fisheries, and the Panama Canal.

Yet, according to Mr. HUMPHREY'S expert figures, the amount of the Nation's loss, occasioned by the Democratic administration, at $1,000,000 an hour, aggregates something over $13,130,000,000 to date, an amount nearly equal to the estimated actual cash value of all the railroad systems of this country, or about one-tenth of the entire national wealth of the United States. The great European war now going on is said to cost $22,000,000 per day, but my colleague says the Democratic administration is costing the people of the United States $24,000,000 per day in business depression alone. This great loss, if Mr. HUMPHREY is correct, in the past 18 months has been enough to run this Government for 13 years, or build 33 Panama Canals; more than half the national debt of the seven greatest nations of the world; more than $5,000,000,000 in excess of the entire estimated cost of the Civil War, including losses of private property and military losses as well.

Here are a few more gems selected from among many:

The incomprehensible stupidity of the administration.
The Democratic Party has deceived, betrayed, and robbed the people of the Pacific coast.
This Nation practically declared war against an individual (Huerta).

It seems to nearly break his heart that President Wilson has thus far succeeded in keeping us out of war with Mexico. It would seem that Europe would present to him a lesson and make him glory, as I do, in the fact that we have not yet gone to war with Mexico, and I hope we never will. Here is a part of what he said about that:

The world furnishes no parallel of our blundering stupidity in our Mexican affairs, and it is charity not to designate it by stronger terms.

Charity, he says, not to call it worse than "blundering stupidity."

But he goes on in the same vein, which would certainly be cause for alarm on the part of the Street Speaking Reform Association of Seattle if such language were heard on the public street. Listen to it and judge for yourself:

It will be a gainful day to this Nation when that prince of peaceful blunderers, that foremost of limelight lovers, once more takes up the poetic pursuit of filling his purse and feeding his longing soul on popular applause and again stands in Chautauqua's glad glare, in exciting contest with the yodeler, the acrobat, and the unadorned dancer, and leaves the affairs of state to subordinates or to happy chance.

I am glad to say on behalf of the people of Seattle and of Kitsap County, who compose the first congressional district, that the Secretary of State is loved and admired out there. Many differ from him as to political views, but all agree that he is an able and sincere man, and if Mr. HUMPHREY of Washington were to try to put that paragraph over to an ordinary Seattle audience he would have trouble with his audience, and yet one of these campaign documents, extended in the RECORD and signed by Senator JONES, says:

He has taken first rank among the debaters of the House.

But I will say that if my colleague had stopped with this abuse and the letters and platform I yet, perhaps, would have

said nothing here, but would have waited till I reached my district to make my comments; but he did not stop there.

CONGRESSMAN LA FOLLETTE INSERTS A VERY LONG LETTER FOR MR. HUMPHREY.

Quite to the contrary, his friend and political associate, Congressman LA FOLLETTE, Representative, Member from Washington, placed in the RECORD, under leave to extend remarks, on July 18, pages 13468, 13469, and 13470, another very long letter from Senator WESLEY L. JONES on the subject "HUMPHREY'S work in Congress." The letter is written to a party whom I do not have the pleasure of knowing, Mr. J. P. Todd, and appears to be undated. In this letter the work of Mr. HUMPHREY of Washington in Congress is placed squarely at issue, and I am forced to discuss it or else allow those fulsome inaccuracies of a political associate to go to the people unchallenged and fully vouched for by the public record of the greatest deliberative body in the world.

SENATOR JONES NOT A VOTER IN THE FIRST CONGRESSIONAL DISTRICT.

I desire to suggest here that the insertion of these various campaign documents in the RECORD, not only the various letters from each of the Members to the other, but the further letter of Senator JONES on behalf of my colleague, aside from what may be considered about the use of the CONGRESSIONAL RECORD, constitutes a unique and rather unusual precedent in this, that a Senator of the United States, who does not reside in the congressional district involved, would inject his opinion in this way into a controversy between two Members of this House as to which of those two Members should be returned to Congress.

I consider that that leaves the good sense of the Senator subject to criticism on my part, and I feel that it gives me the right and privilege to question his judgment. And in questioning that judgment I want to suggest in passing that only a few months back that same Senator took the position that William Lorimer was a good representative, and that he voted for William Lorimer as a Member of the United States Senate. So I suggest that when the Senator comes here, and through this RECORD, and through thousands and thousands of franked documents circulated and to be circulated in the first congressional district of the State of Washington, and through a hundred thousand newspaper copies published in that district, attempts to declare my colleague [Mr. HUMPHREY] to be a faithful and efficient public servant, and that he ought to be returned, and that I ought to be retired, he naturally submits himself to the question as to whether he is using the same measuring rod in judging my colleague that he used when he adjudged William Lorimer a faithful and efficient public servant.

Mr. NORTON. Will the gentleman yield?

Mr. BRYAN. I will.

Mr. NORTON. I understand the gentleman is criticizing certain Members of the House for using the CONGRESSIONAL RECORD for political purposes.

Mr. BRYAN. No; I am not. I am criticizing a United States Senator for using the CONGRESSIONAL RECORD for the publication of inaccuracies and false statements. As far as the statements are true, it is all right.

Mr. NORTON. And criticizing his fellow Members, Mr. JOHNSON of Washington and Mr. HUMPHREY of Washington, for using the CONGRESSIONAL RECORD to send out and disseminate certain letters throughout the State of Washington. Is that right?

Mr. BRYAN. I am criticizing them; yes.

Mr. NORTON. Does not the gentleman recall that he as a Member of this Congress has used the CONGRESSIONAL RECORD just about as voluminously for that purpose as any Member of Congress, and does not the gentleman think that right here and now would be a good place for him to practice what he is attempting to preach and not use the RECORD in this way?

Mr. BRYAN. I will say that anything I have ever extended in the RECORD, or set out in the RECORD, is subject to an attack on the floor by gentlemen who speak, and I am willing to have the accuracy of any matter I am involved in brought in question and will not make any objection as to the jurisdiction or right of any Member to do it.

Mr. NORTON. Does not the gentleman think that the proper place to have such a discussion is out on the field of political battle in Washington rather than taking up the time of Congress here?

Mr. BRYAN. I did; but if I had extended this answer in the RECORD without attempting to present it on the floor I would have been condemned. My colleague saw fit to extend these matters in the RECORD, and I am going to correct inaccuracies, for I think it is my duty to do so.

Mr. NORTON. The gentleman is going to do just what he criticizes others for.

Mr. BRYAN. No; I am going to tell the truth. [Laughter and applause.] Now, before I go into the real merits of the letter I want to take up a small feature of the letter.

The letter signed by Senator JONES divides the subject up into subheads, and near the end of the letter, under the heading "Attention to home interests," is the following:

Local matters. I think you know and everyone should know that no constituent, however poor or humble, however prominent or influential, has ever written to Mr. HUMPHREY that he did not receive a prompt reply and prompt attention to his request. During his entire service all these many matters have received his personal attention, and he has performed his heavy task ungrudgingly, feeling that it was his duty to do so.

In order to show that this indorsement is not warranted by the facts, and to emphasize the fact that it is not only William Jennings Bryan, Secretary of State, who has been called nicknames by my colleague, and as a sort of balsam or consolation to the great Democratic leader I shall read copies of some letters written by Mr. HUMPHREY to Mr. Lloyd Armstrong, of Walla Walla, Wash., one of the "poor and humble" constituents back in the State of Washington, and a letter from Mr. Armstrong to Mr. HUMPHREY. I will say further that I am well acquainted with Mr. Armstrong, and know him to be a splendid citizen and a thorough gentleman. He is a printer by trade. The copies which I insert are as furnished me by Mr. Lloyd Armstrong, who holds the originals. I have not seen them, but if these copies are not accurate I shall cheerfully submit to correction by my colleague, although Mr. Armstrong has offered to forward me the originals. Likewise if my colleague desires inserted in the RECORD the letters he received from Mr. Armstrong, I will gladly give them space here or give my consent to their publication in the RECORD at any time or place desired. The first letter reads as follows:

WASHINGTON, D. C., *June 30, 1914.*

Mr. LLOYD ARMSTRONG,
2½ Jaycox Building, Walla Walla, Wash.

MY DEARLY BELOVED: When I kick a mangy cur in the ribs I like to hear him howl. Waiting with pleasant anticipations for your next yelp, I am,

Yours, truly, W. E. HUMPHREY.

Eighteen days later Mr. HUMPHREY of Washington wrote as follows:

WASHINGTON, D. C., *July 18, 1914.*

Mr. LLOYD ARMSTRONG,
2½ Jaycox Building, Walla Walla, Wash.

MY DEAR SORE-SIDED FRIEND: So my last kick landed squarely in your "slats." Really, I do hate to hurt a brainless pup, but I do enjoy your howls. Trusting that you will delight me with another yelp, and with most pleasant anticipations, I am,

Sincerely, yours, W. E. HUMPHREY.

The following is Mr. Armstrong's reply to the last letter:

WALLA WALLA, WASH., *July 22, 1914.*

Representative W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: A long time ago a prominent politician of the time was asked his procedure in his political speeches, and replied: "When I have a good argument, I present it calmly and convincingly; when I have no argument, I 'holler' and saw the air." In the latter event you use billingsgate.

Your letters have caused me much merriment, and you might continue them in the same vein. As they contain no information, I will not further reply to them. In any event, I have proven your unfitness for public life and your total lack of common cause with and contempt for your constituents.

You can change, if you will. Why not?

Yours, truly, LLOYD ARMSTRONG.

A subsequent letter to the same party, the copy sent me does not carry the date:

Mr. LLOYD ARMSTRONG,
Jaycox Building, Walla Walla, Wash.

MY GREATLY ADMIRED: I am not surprised to find that your yellow streak is equal to your howl.

Sincerely, yours, W. E. HUMPHREY.

The last of the series:

Representative W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: Your last letter says to me: "I am not surprised that your yellow streak is equal to your howl." Coming from you, that remark is very funny.

But let us see who has the yellow streak. Suppose that we appoint impartial investigators as a board to investigate the acts of both of us for any number of years back to the present; their findings to be general property. Are you game?

Replies must be in the name of a third party, as any from you will be returned unopened.

Yours, truly, LLOYD ARMSTRONG.

Inasmuch as Senator JONES, from his high and powerful position, permits the use of the CONGRESSIONAL RECORD in an effort to elect my colleague and to retire me, I feel it is my duty to answer these things and show that the statements by the Senator who found Mr. Lorimer to be a fit public servant are not

correct, especially when he says Mr. HUMPHREY is so attentive to "each poor and humble constituent."

The following appeared in the Seattle Star, a leading independent newspaper of that city, a few weeks ago:

REPLY OF CONGRESSMAN HUMPHREY.

While brutal Cossacks in American uniforms are pitilessly riding down weak women and innocent children in blood-soaked Trinidad, ruthlessly cutting, slashing, and shooting them down; while monstrous onslaughts are made daily upon defenseless workmen who have the temerity to buck big moneyed interests; while soldiers are ordered to shoot and kill men because they are fighting for a bread-and-butter existence; while kind-hearted, whole-souled Mother Jones is kept in military captivity like the worst of animals; while the country is shocked by the brutality, inhumanity, bloodshed, and barbarism which holds reign in one of our States, Congressman WILLIAM E. HUMPHREY, of Seattle, complacently strokes his beard, draws his Government salary, eats his sumptuous meals, promenades along the boulevards, feasts at banquets, and, entirely self-satisfied, declares, "I should worry."

A few weeks ago Socialists at Anacortes sent a letter of protest to W. E. HUMPHREY, Congressman from this district, in regard to the outrages committed in the copper regions and asked for a congressional investigation.

After acknowledging receipt of the letter and resolutions, the statesman from Seattle has sent this reply to Miss Emma Sager, of Anacortes:

"It is my judgment that there has been entirely too much outside interference in this matter already."

A SNEER AT SUFFRAGE.

But it is not alone to individual constituents that my colleague writes his caustic letters, but by the wholesale he sneers at his constituents sometimes, as the following correspondence seems to show:

CONGRESSIONAL UNION FOR WOMAN-SUFFRAGE,
Washington, D. C., June 20, 1914.

Dr. CORA SMITH KING,
The Olympia, City.

DEAR DR. KING: I am inclosing copy of a letter from Mrs. Norman Whitehouse, member of the Women's Political Union of New York. I have written her that I have forwarded a copy of her letter to you, and that you will do everything possible, I am sure, to induce a better attitude in Representative HUMPHREY toward the suffrage question.

Very sincerely, yours,

ALICE PAUL, *Chairman.*

The following is the inclosed letter referred to. Mrs. Norman de R. Whitehouse, who signs the letter, is the daughter of Mrs. Elizabeth Cady Stanton, a very distinguished woman.

118 EAST FIFTY-SIXTH STREET,
New York City, June 19, 1914.

MY DEAR MISS PAUL: I know your union is ready to fight the entire Democratic Party. Can you do something to one Republican Congressman? Last night, June 18, Mrs. Blatch was given a hearing before the New York Republican county committee. Her speech was, of course, excellent and very well received. The speaker of the evening was Congressman HUMPHREY, of Washington State. Mrs. Blatch had written to him asking him to mention woman suffrage in his speech, and I had telephoned to him to the same effect. He came in after Mrs. Blatch had spoken. When he began his speech he said he understood there had been a suffrage speech before he arrived, and coming from a suffrage State he would like to say that it did not cause dissension in the family. Every man voted the way his wife told him to and that made the end of it. The effect of this remark was most unhappy—a sneer at suffrage. I see the number of women eligible to vote in Washington is 277,727. Could not some of them be gotten to write and protest to him or do something?

Yours, sincerely,

VIRA BOARMAN WHITEHOUSE,
(MRS. NORMAN DE R.)

Miss Paul then wrote Mrs. Whitehouse as follows:

JUNE 20, 1914.

Mrs. NORMAN DE R. WHITEHOUSE,
118 East Fifty-sixth Street, New York City.

DEAR MRS. WHITEHOUSE: I have sent a copy of your letter to Dr. Cora Smith King, of the State of Washington, who is here at the present time and who is treasurer of the National Council of Women Voters. I have asked her to have protests made to Represenative HUMPHREY, and I am sure she will do everything that can be done in the matter. She is the most influential women that I know of with the Congressmen from Washington State.

Thank you for letting us know about Mr. HUMPHREY'S position.

As you doubtless know, we are having a deputation to the President on June 30, led by Mrs. Harvey Wiley. Would it be possible for you to join this deputation? It is called a deputation of club women, but that includes everyone, of course, as practically all of us belong to some kind of club. We do wish very much that you could come.

Hoping that you will be able to take part in this deputation, I am,

Very sincerely, yours,

ALICE PAUL, *Chairman.*

Dr. Cora Smith King's answer:

JUNE 22, 1914.

DEAR MISS PAUL: Thanks for referring to me the letter from Mrs. Whitehouse about Mr. HUMPHREY, of the State of Washington. I wrote the gentleman at once, as you see from the inclosed, which you are at liberty to send on to Mrs. Whitehouse for her encouragement. Will let you see what follows.

The gentleman from Washington doubtless conveyed his real opinion if he gave the impression of a sneer. He was wholly unregenerate on the subject when it was up before our voters, and is quite unreconstructed as yet, apparently. He was barely elected last time, and from current reports has little expectation of getting through this time. I will use this letter against him if he does not make a full recantation.

Yours, faithfully,

CORA SMITH KING.

THE NATIONAL COUNCIL OF WOMEN VOTERS,
Washington, D. C., June 22, 1914.

Hon. W. E. HUMPHREY,
House Office Building, District of Columbia.

DEAR MR. HUMPHREY: I am to-day in receipt of a letter from Mrs. Norman de R. Whitehouse, of 118 East Fifty-sixth Street, New York City, in which she quotes a part of your speech of June 18 before the New York Republican county committee. She says you said you "would like to say that it did not cause dissension in the family. Every man voted the way his wife told him to, and that was the end of it."

She adds, for herself, "The effect of this remark was most unhappy—a sneer at suffrage." She asks if the women voters can not do something about it. I am therefore writing to you, first of all, to warn you, in all friendliness, that it is not safe to joke about a subject that the whole country is taking so seriously. I advise and request you to write to the lady herself and make such amends as you see fit, by making some more constructive comment on the suffrage in our State, such as naming some of the good laws that have been passed since the women got the vote. If you have not this memoranda at hand and desire it, I will gladly phone or send it to you.

But please do something, and do it quickly, to remove the wrong impression you gave her. I will appreciate getting a report from you in the matter, since I am holding up my mention of this back in our State until such time as I might reasonably expect to hear from you.

Urging you to lose no chance to speak well of the working of woman suffrage in Washington, I am, with regards to your wife,

Yours, truly,

CORA SMITH KING,
Treasurer and Chairman Congressional Committee.

Mr. HUMPHREY replied to this letter with formal courtesy, but, according to Dr. King, the reply was merely a denial and was not accompanied by satisfactory affirmative statements.

Mrs. Emma Smith de Voe, president of the National Council of Women Voters, writes Dr. Cora Smith King concerning Mr. HUMPHREY'S position in this matter as follows:

I know he was opposed to woman suffrage during our campaign, and there is no doubt he has not changed.

Now, here is a United States Senator whose electioneering in a district in which he does not reside on behalf of Mr. HUMPHREY and, of course, against me, is inserted in the RECORD and made part of the proceedings of Congress.

I am pleased—

Says Senator JONES—

to comply with this request for a statement of the record of Congressman HUMPHREY, so far as it is possible to do so, and all the more so because of my continued service with him and because of our almost general agreement upon the important matters of legislation that have come up during the last 12 years.

The Senator refers to my colleague's labor record, and says it is something remarkable, or words to that effect; that he has been here all the time, working on behalf of labor, and he asks labor to work for him and support him.

THE TRUE LABOR RECORD OF MR. HUMPHREY.

I have secured from the American Federation of Labor the record votes of my colleague on matters of interest to labor. This data, which I now hold in my hand, shows his record and that of every other member of the Washington delegation, on propositions of interest to labor, and it is handed out by the American Federation of Labor without any partisanship whatever. It shows Mr. HUMPHREY'S position on various questions involving matters of interest to labor, wherein the Senator says he has generally agreed with him. I ask unanimous consent that this record, along with other matters, may be extended in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to insert certain papers in the RECORD. Is there objection?

Mr. NORTON. I object.

Mr. BRYAN. Mr. Chairman, this is an insertion to which any friend of the gentleman from Washington [Mr. HUMPHREY] may well object. This record shows my colleague's opposition to labor in almost every instance. I am willing to give it to the public at any time, but I am not going to read it into the RECORD at this time, because its reading would consume too much time and there is something else at which I would rather use the balance of my time.

THERE ARE SENATORS AND SENATORS AND THERE ARE LA FOLLETTES AND LA FOLLETTES.

There appeared another comment on my colleague's record by another United States Senator, and perhaps the gentleman who just objected will not object to this being extended in the RECORD. It is a review of my colleague's record by United States Senator ROBERT M. LA FOLLETTE, of Wisconsin. In 1910 Senator LA FOLLETTE published in La Follette's Weekly, under the head of "Humphrey system specialist," an article giving his judgment of my colleague's record as a record of service to special interests, voting with unvarying regularity the system's program. He declares that my colleague spent his time and talents on behalf of these interests. He mentions the interests which Mr. HUMPHREY supported:

The shipping interest, the railroad interest, the Standard Oil interest, the iron and steel interests, the sugar interest, the textile in-

terests, the smelting interest, the lumber interest, the coal interest, and the water-power interest, and all the other interests that together make up federated big business bound and riveted together by intercorporate ownership and community of interest and control.

The article written by Senator LA FOLLETTE's own hand continues:

In politics it is the representation of all these interests, organized in a common cause and cemented together by the cohesive force of public plunder. In politics the system uses its money to make "statesmen" and uses its "statesmen" to make money. Politics for profit is the slogan of the system and system interests. "Do you wish to invest in a Senator?" wrote Sibley to Standard Oil. So when a Congressman is representative for an interest he becomes by exchange of courtesies—through the logrolling that obtains in legislation, through the influence of legislation—representative for all the interests, for the system. Thus while HUMPHREY is primarily the champion of subsidies for the shipping interest, he is secondarily, but no less faithfully, the champion of all the interests and adherent to the Cannon system organization of the House. The RECORD shows him throughout his congressional service, when not giving himself entirely to his specialty of shipping subsidies, voting generally the system program.

A CANNON REGULAR.

The RECORD shows him an ardent "regular" of the Cannon machine.

The article continues. I would like to put it all in the RECORD, but I have not time to read it all. It takes up the record of Congressman HUMPHREY, with which Senator JONES says he generally concurred, and by example and instance on instance establishes his point that Mr. HUMPHREY was a system specialist. His article is divided into subheads. One title is "Killing the seamen's bill." Under this he shows Mr. HUMPHREY's continued and persistent opposition to this meritorious and much-needed measure, and details his subserviency to the Cannon machine, instancing measure after measure. Yet Senator JONES devotes a section of his letter to make the very opposite impression. Under the heading "Man of political independence," Senator JONES says:

His political independence. He has the courage to follow his judgment, even against his own party. * * * While he is a partisan, he refuses to follow his party when its action does not meet with his conviction.

On another page of the same issue of La Follette's Weekly appears the following article:

WHAT HAPPENED TO HUMPHREY?

When something happens to a Member of the House of Representatives the Nation is interested. And rightly so. Congress makes the laws for the whole country.

At this moment the eyes of the people must be turned upon Congressman WILLIAM E. HUMPHREY. Something happened to him—quite recently.

HUMPHREY is a Representative from the State of Washington. Unlike most people in that State, he is a standpatter. He is one of "the faithful" in the Cannon machine. He is an ardent admirer of Cannon; at any rate he was on August 3. We have his own testimony as to that. Here it is:

"I believe in the obstinate integrity of that grand old man who for 30 years has held as with hoops of steel the confidence and esteem of his constituents and his colleagues, who for more than a generation has stood between wild extravagance and the National Treasury, who has saved this Nation more money than any other man that ever lived beneath our flag, who knows more about the wants and needs of this Nation than any other man in the Republic, who for years has borne his own sins and sins of every infernal coward in Congress, under whose leadership during the last eight years Congress has passed more important legislation than was passed in all the 30 years prior to that time—that grim old fighter that never asks quarter nor never gives it, the 'Iron Duke' of American politics—Speaker Joseph G. Cannon."

That was on August 3. Mr. HUMPHREY's constituents may be pardoned for inferring from HUMPHREY's remarks that there existed no hard feeling between Cannon and himself. Others who are not citizens of Washington may be pardoned for inferring the same thing. But many things may happen in the course of 19 days. For instance, a State like Kansas may leave Speaker Cannon a little the worse for wear after a face to face encounter. And States like Iowa and California may enter a vehement protest against Cannonism. And the big party bosses may hasten to sacrifice a man like Speaker Cannon in the interest of "party success." And little bosses all over the country may take their cue from the big bosses and desert their erstwhile czar and master. All these things may happen between the 3d of the month and the 22d of the month. Certain it is that something happened to HUMPHREY during this time. We have the evidence from his own lips. On August 22 he unbosomed himself to his constituents as follows:

"While I have had no official information upon the subject, press dispatches in the last few days have announced that Mr. Cannon would be a candidate for the Speakership of the next House of Representatives. I do not believe that he will be, however. I have waited several days for an authoritative denial from him, but he has not seen fit to make one. This action on the part of Mr. Cannon, which I regret very much, makes me feel that it is my duty to state publicly what my closest political friends have known for more than a year; that is, that I did not think it to the best interests of the Republican Party for Mr. Cannon to be a candidate for Speaker of the Sixty-second Congress; and if he was, that I would not support him. So long as he made no announcement I felt I should make no statement in regard to the matter.

"I have never attempted to conceal my attitude upon any public question from the people of my district, and I shall not do so upon this matter."

Let us not pause here to reflect upon the frailty of human devotion. Let us pass over HUMPHREY's magnanimity in thus taking his constituents into his confidence. Let us not indulge in superfluous remarks concerning the awful designs upon his friend and patron—Cannon—that he hid in his heart, and the hearts of his closest political friends, for a whole year; designs that he cherished in secret while he gave vent to fulsome eulogies in public. Let us not yield to any of these obvious temptations to moralize. Let us rather seek an answer to a question. It is this: What happened to Congressman HUMPHREY?

I want to suggest that Senator LA FOLLETTE also took an entirely different view of Senator Lorimer, who is now under indictment, I understand, in connection with his bank failure, and came to a different conclusion from Senator JONES on this matter, too. Senator LA FOLLETTE thought that Lorimer was entirely unfit, and voted to expel him from the Senate. Is it possible—I am not going to say it is a fact—but is it possible that this difference of view had something to do with the entry of Senator JONES into this campaign for Mr. HUMPHREY and against me? I would not have referred to these matters or brought them up on the floor if the CONGRESSIONAL RECORD and the leave to print had not been used to circulate the letter of Senator JONES.

Mr. STAFFORD. Mr. Chairman, I raise the question of order—that the gentleman is out of order in referring to a Member of a coordinate branch and criticizing his actions. Nothing is more violative of the rules than that a Member of the House should refer disparagingly to a Member of another coordinate body.

The CHAIRMAN. The point of order is well taken, and the gentleman will proceed in order.

Mr. BRYAN. Mr. Chairman, I am reading from La Follette's Weekly, a newspaper published at Madison, Wis.; and when I was reading a while ago from a letter——

Mr. STAFFORD. Mr. Chairman, a question of order. The gentleman was not reading from La Follette's Weekly. He was criticizing by name a Senator of the United States, and he had not any right to do so.

The CHAIRMAN. The point of order is well taken, and the gentleman will proceed in order.

Mr. BRYAN. Mr. Chairman, I shall continue to proceed in order, as the Chair has directed.

Mr. COOPER. Mr. Chairman, one moment.

The CHAIRMAN. Does the gentleman yield?

Mr. BRYAN. Certainly.

Mr. COOPER. Mr. Chairman, I do not wish to enter into this controversy at all. I do not know anything about the merits of it one way or the other, but is it out of order—because this is establishing a precedent here—if a United States Senator writes a private letter in my district and the letter is put in the RECORD for me to refer to that letter and to the Senator because of that act? I thought the matter of privilege went only to the Senator and his rights as a Senator and what he says on the floor of the Senate.

The CHAIRMAN. The Chair thinks the gentleman from Wisconsin is right, and yet the Chair will hold that the criticism of a Member of the Senate on the floor of the House broadly was not within the rule.

Mr. BRYAN. Mr. Chairman, I want to suggest to the gentleman that I did not say that Senator JONES did anything wrong in voting for Lorimer. I merely said that he did it. That may be one of the proudest acts of his life. Mr. Lorimer met with his approval; so did Mr. HUMPHREY. I only asked if it was possible that he was measuring my colleague by that same measure. I did not say that he did anything wrong. It is the gentleman from Wisconsin [Mr. STAFFORD] who gets up and flies to the defense of Senator JONES, and says that I have accused him of doing something very wrong. It is he who condemns the Senator. I did not condemn him.

Mr. STAFFORD. Mr. Chairman, the gentleman knows full well that his only purpose is to besmirch Senator JONES. Why has he not the courage to say so openly?

Mr. BRYAN. Mr. Chairman, the statement of the gentleman is as false as he is tall, and he is a 6-footer.

Mr. STAFFORD. Mr. Chairman, I call the gentleman to order, if nobody else does.

Mr. BRYAN. The gentleman ought not to have made his statement, and I am willing to extract mine from the RECORD.

Now, gentlemen, I have about finished, although there are some brief documentary matters that I should have the right to extend in the RECORD—I want to say, as I said at the outset, the only occasion, the only reason why I inject this matter into the RECORD is because these voluminous letters by these gentlemen, and the copy of the platform, and especially this letter of Senator JONES has gone out in large numbers into my district, and I do not believe there is a fair man on this floor who will not realize that it is only legitimate and straightforward for me to answer at the same tribunal a matter——

Mr. CLINE. Will the gentleman yield?

Mr. BRYAN. In a moment—a matter that was put in the RECORD, and practically every work that was placed in the RECORD by my colleagues was placed in there under leave to

print on the state of the Union, or some general unanimous consent. Now, I yield to the gentleman from Indiana.

Mr. CLINE. I want to inquire of the gentleman from Washington whether he assumes there is an understanding between Senator JONES, of Washington, and Mr. HUMPHREY, of Washington, that the Senator shall assist Mr. HUMPHREY in his canvass of his district, and that is the reason why these letters have been inserted in the RECORD.

Mr. BRYAN. There is no question of their being confederates and associates in this political enterprise. They expect to help each other.

Mr. CLINE. I ask the question for the reason that if it appears that there was any confederation shown or intimated by the gentleman from Washington, and if his colleague from Washington and the Senator sought the CONGRESSIONAL RECORD for the purpose, then the gentleman from Washington [Mr. BRYAN] is clearly right in answering here.

Mr. BRYAN. I will risk that proposition, all right. They can not have exclusive use of the RECORD. It is a poor rule that will not work both ways. The letter of Senator JONES recommended earnestly the retention of Mr. HUMPHREY in Congress, and, of course, my retirement.

I will state further that I have also the roll call from Collier's of my colleagues votes for a long time back, and if there is anything left unsaid or any document or article I have referred to that my colleague would like to have inserted in the RECORD I am prepared to insert it.

I much prefer him to accept my proposition, however, and refrain from extending campaign letters in the RECORD, but meet me out in the State of Washington along in September, when we both can get an opportunity to present these matters to the voters. I agree that these things ought not to be presented here, but when a Member does put things in the RECORD, when a Member does extend his letters and documents and put matters at issue, as was done in this case, it puts me in such a position as to make it necessary to adopt this means of meeting it. I have only inserted part of the La Follette's Weekly article; the rest of it I will insert if my colleague wants it and unanimous consent is given; or if he wants to meet me out at Seattle we will read the article to the people and let him answer it in person or through Senator JONES. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11740. An act to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912; and

H. R. 92. An act to extend the general land laws to the former Fort Bridger Military Reservation, in Wyoming.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SIMMONS, Mr. WILLIAMS, Mr. THOMAS, Mr. MCCUMBER, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5977) to authorize Bryan Henry and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala.

REVISION OF PRINTING LAWS.

The committee resumed its session.

Mr. MCKELLAR. Mr. Chairman and gentlemen of the committee, I am not going to talk about the printing bill. I am going to leave that to my friends, Mr. BARNHART, Mr. FITZGERALD, and Mr. MANN. I think it is in good hands and we will work out a proper bill in that regard. I am not going to talk about politics either. I have up to date neither Bull Moose nor Republican opponent, and I hope I will not have; and therefore that matter is of no burning importance yet, and I hope will not be. But I do want to talk about, for a little while, gentlemen, the proposition that is of live interest to the people of America and especially to the people of the United States to-day. Nothing is nearer, not the heart, but the pocketbook of the American people than the high cost of living, and to show the interest that the people have in that subject to-day, there is not a district in the United States and not a city in the United States wherein an investigation of this subject is not being carried on by Federal or local authorities or both. I became interested in this matter more than a year ago, and for quite a while I have been investigating why it was that there was such a great difference between the prices that are received for their wares by the producers of such wares and the prices that are demanded of the consumers of those same wares. It was with this end in view that about a year ago, or a little less, I introduced into this House a bill regulating cold-storage warehouses throughout the United States engaged in interstate commerce. This question, I want to say to the committee, is not a new one. It has been investigated before. In 1910 and in 1911 special committees of the Senate and special committees of the House investigated the subject, with the result that on March 3, 1911, a bill was reported out. A committee of the Senate, presided over by the late Senator Heyburn, held extensive hearings on this subject, and unanimously reported a bill to the Senate regulating cold storage in this country. That bill did not become a law.

The bill that I have introduced in the House is along the same lines of the bill introduced and recommended in the Senate by the committee presided over by the late Senator Heyburn. Last fall, when this bill was introduced, it created great public interest, for the reason that there were certain commodities, notably eggs, the prices of which had gone to remarkable heights. But later on, when the supply in the spring became greater, the interest in the question dropped to some extent; and, in the next place, while the bill was pending before the Committee on Interstate and Foreign Commerce the President desired to have the antitrust bills considered by that committee, and the hearings on my bill were postponed until recently, when short hearings were held, but have not been completed as yet.

Since the war in Europe has broken out, gentlemen of the committee, interest in this matter has again become acute, and ought to be acute. These investigations are being carried on now for the purpose of determining who are to blame for the remarkable increase in prices, and I want to discuss that feature of the case with you.

This bill provides that certain meats used every day in every family and every household shall be kept in cold storage only a limited time. What for? For the purpose of preventing the packers who are in combination from demanding exorbitant prices for those meats. Just to show you how concerned the great body of the plain people are on this subject, I am going to read, with his permission, a letter that my friend Representative EAGAN handed me a moment or two ago, not knowing at the time that I intended to discuss this subject this afternoon. I say I read it for the purpose of showing that this is a question that reaches every family in the country, the poor and the rich alike. And the appeal that is given here shows that in a more effective way than I can talk about it. It says:

HOBOKEN, N. J., *August 14, 1914.*

Hon. JOHN J. EAGAN.

DEAR SIR: I think that I have a very good way of solving the high cost of living by the Congress and United States Senate getting together and immediately passing a bill that will not allow the cold-storage houses to keep meats of any kind or vegetables or anything perishable longer than 15 days; anything kept over the limited time will be sold by the Government and the owner of storage houses and owner of goods sent to jail for not less than 7 years nor more than 20 years without a fine. It will only take about one week to pass a law like this if the Congress and Senate get busy.

Hoping you will oblige a poor mother with 10 children,

Respectfully,

MRS. MEYER,
321 Madison Street, Hoboken, N. J.

[Applause.]

You will find in the hearings here that have been printed letters and editorials from every State and every congressional district in this Union in approval of the cold-storage bill that has been introduced into this House by me. Innumerable letters from every portion of the country, innumerable editorials from almost every paper of any importance in this country, and, with four exceptions, as I now recall, every one of them demanding of Congress or asking of Congress or pleading with Congress to pass such a measure. Why? It is just as simple, gentlemen, as that two and two make four. We know, whatever else may be said, that the packing-house interests in this country absolutely control the prices of meat.

They fix them on one day in every week in every town and every city in this country, not by the law of supply and demand, but because we have in cold storage as it is now managed an instrument here which enables them to disregard any such law of supply and demand. But they merely have their agents, who on every Thursday morning, I am told, in the city of Memphis, where I live, meet and say that the price of meats shall be thus and so for the following week. And every butcher, every dealer in that city, must sell it at that price and at no other price.

Talk about monopoly! Talk about combination! Gentlemen, that combination or that monopoly that will thus control the price of the very necessities of life is the most outrageous, the most unjust, and, in my judgment, should receive from this Congress its earliest disapproval. [Applause.]

Mr. Chairman and gentleman, I say they control it. This bill provides that the United States Government shall have the right to inspect packing houses in this country. Do you imagine it has any such right now? Why, it has no more right to-day than it has to go into your pocket and inspect how much money you have got. Meat for the most part is a subject of interstate commerce; packing houses do almost an exclusive interstate business, and not a line or a syllable in the law passed by this Congress for their regulation. Subject to State regulation? Yes. But we know how that is done. Very few of the States regulate them, and they have become so powerful and so proud that they have no respect for either the State authorities or for the national authorities, and the way they treated our friend, the late Senator Heyburn, of Idaho, was simply outrageous in the extreme. I do not think I could better show you just the way they did him and his committee than by reading a letter or two from Mr. Armour and from Mr. Swift.

Mr. CLINE. Will the gentleman permit a question there?

Mr. McKELLAR. I certainly will.

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Indiana?

Mr. McKELLAR. Certainly. I would prefer if the gentleman would permit me to go on now——

Mr. CLINE. It is very brief.

Mr. McKELLAR. Very well.

Mr. CLINE. I wanted to inquire whether the gentleman would go to the extent of authorizing some governmental agency to fix a maximum price under any conditions?

Mr. McKELLAR. Oh, no. That is not a governmental function at all. What we want to do is to regulate them, so that the law of real supply and demand will influence and control their actions and not just the question of their greed, the question of how much they will take. And to illustrate what I say, let me mention——

Mr. BRYAN. The practice obtains with respect to many products besides meat—products that are not affected by the cold-storage proposition?

Mr. McKELLAR. Yes; but the gentleman would be surprised to know how many products are absolutely controlled by the cold-storage companies and packers. How many would the gentleman say? A dozen or a half dozen? Oh, no. There are in the neighborhood of 300 products in this country, the price of which, the control of which, depends upon these warehousemen and these packers, with no Government control over them; and I will take the time right here to show you why control is so necessary. If a man has 100 beeves in his pasture, he, the producer, has got to sell them. Why? If he does not, they will eat their heads off. So they are killed and put in cold storage and kept for 6 months, 12 months, 18 months, 2 years, 3 years, or 5 years, as the case may be. Why? Is that packer in the same position as the producer? Oh, no. The producer has to sell or the cattle eat their heads off. But it is different with the packers. It costs only a fraction of a cent to keep that meat in cold storage indefinitely; and the packer, practically speaking, without cost to himself, can put that meat on the market whenever he pleases, and there is no man to say him nay, and unfortunately no law under which he may be regulated.

When, however, you fix a limitation, depending on the nature of the commodity that is kept in cold storage, when you fix that limitation upon him, what does it do? It puts him again under the control of the law of supply and demand, because he can not keep it longer than that; and when you have done that, then it is that you have to investigate him and keep track of that. And that is just what this bill provides for—the investigation of it.

Why, they tell me that they put any kind of beef into cold storage—good beef, bad beef, indifferent beef, all kinds of beef, and all kinds of hog products in cold storage. A great many people do not know but what cold storage rather helps articles put in cold storage. Well, cold storage merely keeps it in the same condition it was in when it was put in. They do this without regulation. Why, gentlemen, we ought to have a law that will force these packers and warehousemen to submit their products to examination by Government officials when their products are intended to go into interstate commerce, to see that the food that the American people have to eat shall be pure and fit to be eaten.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. FOWLER. I desire to inquire if the gentleman has investigated as to the character of the preservatives used by the packers?

Mr. McKELLAR. Yes. They use all kinds of preservatives; some that are good for the human body when taken into the system, and others that are not. But I will say to the gentleman that as long as these packers absolutely refuse to give any information about their management, and about the management and control of their systems of packing, it is impossible for the Government to have any accurate knowledge or information about it, and the only way you can get it is to investigate by piecemeal. And I want to say to the gentleman that where I got my information was through examinations that were made not only by Senator Heyburn's committee, but from other examinations that were made by committees of various State legislatures. And you will be surprised to know that there are eight States in the Union now that have cold-storage laws. Does that answer the gentleman?

Mr. FOWLER. I will ask the gentleman if he has conferred with Dr. Wiley and ascertained the results of his examinations into this question?

Mr. McKELLAR. I have. Dr. Wiley, however, has not gone as thoroughly into the meat question as he has gone into other phases of the general question, notably as to eggs. But Dr. Wiley is one of the most distinguished chemists, or agricultural chemists, whatever you might call the man who makes investigations of that kind; certainly he is a great authority. This bill is based to a very large extent upon the report of Dr. Wiley as furnished in the hearings.

Mr. FOWLER. He says they are using benzoate of soda and sulphides, both of which are very injurious to health.

Mr. McKELLAR. They do; and that is being constantly done.

Now, under the provisions of this bill it is provided that the Government should investigate and see how these meats are prepared and kept; whether they are good when they go in; whether they stay in there longer than the time allotted to them under the law. And the figures that are produced in this bill—which I need not go into—have been carefully drawn, and scientifically drawn. They are not of my drawing, and I am depending upon the expert testimony of witnesses who have been produced before the hearings, and the length of time is virtually the same as is prescribed in the bill that was favorably reported in the Senate.

But I want to talk about the packing interests for a few minutes, and of their absolute contempt for Congress on this subject. Senator Heyburn's committee was directed to go to Chicago and summon the packers before it. That committee went out there, and here is what occurred. I will read some letters. They are short. Here is a letter that was sent out on May 20, 1910:

MAY 20, 1910.

Mr. ARTHUR MEEKER,
Care Armour & Co., Chicago, Ill.

DEAR SIR: Senate bill 7649, introduced as a result of the inquiry that is being made by a special committee appointed by the Senate to investigate the high cost of living, has been the subject of hearings before the committee. A number of representatives of those who conduct cold-storage plants, as well as chemists, have appeared before this committee and furnished information in reference to the alleged unwholesomeness of food kept in cold storage. By reason of your familiarity with the cold-storage business you could probably furnish valuable data which would be of interest and value to the committee in determining what action should be taken on the measure. Will you kindly indicate if you are willing to appear before the committee when a date will be set for the hearing?

Very truly, yours, ——— ———.

Certainly a very genteel request to appear before the committee; nothing that Mr. Meeker, the representative of this great packing interest, could object to. Here is what he says:

MAY 24, 1910.

Hon. W. B. HEYBURN,
Chairman Committee on Manufactures, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your courteous invitation to appear before the special committee appointed to investigate the high cost of living. I would gladly appear if I thought I could fur-

nish any information that would be of value to the committee, but I have no special knowledge on the subject.

Thanking you, I am,

Very truly, yours, ARTHUR MEEKER.

Swift, Armour, every other packer, received the same courteous invitation to appear before the committee, and there was not a single packer that had the slightest knowledge, according to the replies. Senator Heyburn's committee went to Chicago and came back, and not a packer appeared before that committee to testify in any manner whatsoever.

Now, gentlemen, of course they did not do it. Why? The testimony of this record shows that they make an enormous per cent—they are middlemen—by reason of being able to buy the products at a low figure, because the producer is obliged to sell the cattle or let them eat their heads off, and then the packers hold them for practically nothing, or at nominal expense. They make enormous profits in many cases, including the profit derived from the products and the by-products.

Now, I am not going to argue against cold storage. It is one of the great discoveries of this country or any other country. Used properly it is a great boon to mankind. A man would be an idiot not to know that cold storage properly used is a great thing for our country. But what I am decrying against is its use as an instrument of oppression of all the people of the country as it is being used this day, simply to multiply almost without limit the profits of the middleman. The many fortunes that have been made by these packers simply because they have in cold storage an instrument which they use for the oppression of the people and for their own profit all the way down the line are a by-word in this country. They are entitled to reasonable profits; no one denies that. But they ought not to be permitted to rob. You saw an example of it about a week ago. For a few days they have been trying to backtack, but as soon as an excuse arose they raised the price. Did they wait until the law of supply and demand could operate? Everybody knows that if this European war continues long enough it will raise the prices of certain food products. But they did not wait for that. They found an excuse and promptly accepted it by raising the prices of everything that we have to eat in this country. Cold-storage products went up first. It is just an excuse. There is no real reason for it.

Now, gentlemen, what is the practical thing to do? As I say, the demand for this legislation is almost universal in this country. Every gentleman on this floor, whether Democrat, Republican, or Progressive, unless he represents a district in which there are large packing houses, is in favor of this legislation. And even in those districts the great majority of the people, including everyone who has a family, demands this legislation. If you do not believe it, get the hearings and see the communications from your districts. I doubt if there is a man here who will not find a letter printed in those hearings from some constituent demanding the passage of this law. If you are not satisfied with that, read the editorials from your district that are found in the hearings—well-considered editorials written by men who are familiar with the subject, men who are accustomed not to speak lightly; men who have given the matter careful consideration; men who know what conditions are.

You will find there editorials from every congressional district in this country from your leading papers. I do not care where you come from, whether from California or Maine, from the South or from Brother DONOVAN'S district in Connecticut, you will find them everywhere demanding that this legislation be passed. If you still have doubts about the wisdom of passing this legislation, then I ask you to go to your own State law, and what do you find? You will find that New Jersey, New York, Massachusetts, Indiana, Kansas, California, and several other States have already passed cold-storage measures. Many others are trying to pass them. I want to tell you about those cold-storage measures passed by the States. If you will examine the statutes of the various States as found in the hearings you will find that in practically all of them the cold-storage people, the packers and the warehousemen, have secured modifications which are satisfactory to them. By the way, in this controversy there are two distinct sets of people who control the market. One is what are called the independent warehousemen; the other is the packers. And to show you that it is a big thing, gentlemen, the independent warehousemen alone have got $3,000,000,000 invested in cold-storage plants and management in this country. They control only about 40 per cent, or perhaps 35 per cent, of the cold-storage products of the country. The other 60 or 65 per cent are controlled by the packers, and we do not know how much they have invested. We can not tell. They will not tell. We can not get them before us. They treat the committees of the Senate and the House with contempt, because they know that whenever they have to stand under the glare of publicity they are going to lose their profits and the people are going to be benefited. That is why they do not come. That is why they treat these committees with contempt, and there is but one way to get at them. The State regulations are inefficient. But whenever the great Government of the United States lays its hand on them and says, "You must do right," they will come across and do right, and every man, woman, and child in this country will be benefited.

Why, gentlemen, the records here show—and, by the way, this is shown by their own trade papers—that these packing people buy eggs, on an average, for illustration, at from 6½ to 10 cents a dozen. They sell them, on an average, for 26 cents a dozen. Those are the figures, not just taken from a year or two, but the middle man makes over 200 per cent and in some cases over 300 per cent. In a former speech here I could not help paying my respects to a coarse fellow out in the West who bragged that he had made a fortune of nearly a half a million dollars within three weeks last year by cornering the egg market in the city of Chicago for that length of time. Are you going to permit it? We have got the power to change it. Well, they say this may not be the most effective means to get at it. It can not hurt anybody, can it? If the packers and warehousemen are doing right, can it hurt them to submit themselves to a governmental investigation? If they are doing right, why do they not come up and show us? I say to you, gentlemen, that the fact is they are getting profits that they know they are not entitled to. They are reaping where they have not sown, and to the detriment of the great consuming classes in this country; and both the producer and the consumer will never have relief until we take this splendid discovery, which means so much for our comfort and our happiness, so much for the improvement of our food, and regulate the system and make it perform the duties that it was intended to perform; take it out of the hands of the speculators and the gamblers in food products and put it in the hands of the Government, which will force them to do the right thing, and at the same time give them their reasonable profits.

I want to say something about State regulations. I will be very frank. I do not want to criticize any State organization; but if you will read the hearings that have taken place in Massachusetts you will find that some gentlemen would come in with a cold-storage bill along the lines of this one. The packing houses and the independent warehousemen would get together, and when the bill came out of the committee it would be built along lines to which they did not object, and they would say, "That is reasonable; that is nothing that will hurt us." They have such a law over here in Pennsylvania, and the packers are very much pleased with it, because it does not hurt them.

Now, what we want to do is to pass a law not that will hurt anybody but that will make them all do right; that is all. We have the power, because nearly nine-tenths of these products sooner or later are the subject of interstate commerce. It is a matter peculiarly within the Federal jurisdiction, and we will never get relief until the Congress passes a bill along the lines of this one. I do not mean to say that my bill is a perfect one or that it is going to cure every ill; but I think that when it is pared down and arranged and perfected by the committee and then goes through this House and is passed in the interest of the people, the producing and consuming public, and not in the interest of those who are using it for their own selfish purposes and designs, it is going to do more to bring about a settlement of the question of the high cost of living than any bill that has been enacted into law by this Congress in many years. [Applause.]

Now, gentlemen, I fear I have already taken too much of your time. I have made quite a study of this subject, and if there is any gentleman here, in the few moments that remain to me, who desires to ask me questions, I will be glad to answer if I can.

Mr. FOWLER. Will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. FOWLER. The subject that the gentleman is discussing is the high cost of living, and I discover from his remarks a very large difference between the price paid to the producer and the price paid by the consumer. I would be glad to have the gentleman tell what he really thinks is the cause of this great difference to-day.

Mr. McKELLAR. I did not quite catch what the gentleman asked.

Mr. FOWLER. The gentleman says that eggs, for instance, are bought up by the cold-storage people for from 6½ to 10 cents per dozen and sold, on the average, at 26 cents a dozen. What causes the great difference between the price to the producer and the price paid by the consumer?

Mr. McKELLAR. I am glad that the gentleman asked that question, because it permits me to impress on the House a very important matter and one provided for in the bill. This applies not only to eggs, but to all other products stored in cold storage. This country is divided by the monopolistic packers and warehousemen into districts, and a certain monopoly in the city of Chicago can buy eggs in the States of Indiana or Ohio, and another one in Tennessee and Virginia, another one in another State, and another in Kansas, where so many eggs are produced. The producing districts in this country are divided up, and the agents of these packers are sent to these districts and they fix the price. They do not compete with each other when buying the product. The territory is divided. They do not compete with each other in selling the product, and that is the true reason of the large difference in the price paid to the producer and the price charged to the consumer. Does that answer the gentleman's question?

Mr. FOWLER. And by virtue of the cold storage and warehouses they are able to hold the product until they see fit to put it on the market.

Mr. McKELLAR. They are enabled to hold the product indefinitely at no substantial cost.

Mr. SIMS. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. SIMS. Has not the parcel post to some extent enabled the farmer to sell eggs at a better price by selling directly to the consumer? In other words, he is not now compelled to rely on the cold-storage purchaser as much as he has been heretofore?

Mr. McKELLAR. I hope that is to some extent true; but I heard an officer connected with the House when I was discussing this last year—and it was on the subject of eggs to which the gentleman referred—he told me that there were farmers outside of Washington City that supplied certain hotels with eggs in Washington. He said they were supplied as fresh country eggs. They sent them in every morning, but they bought them down

They sent them in every morning, but they bought them down here at the cold-storage plants every night, took them out, and shipped them in the next morning as fresh country eggs. The cold-storage people paid 6 to 10 cents a dozen for them and sold them to the farmers for about 25 or 30 cents a dozen, and the farmer brought them in as fresh eggs and sold them to the public the next morning at 50 cents a dozen. Of course the parcel post has to some extent done away with that.

Mr. SIMS. The parcel post has relieved to some extent the opportunity that the cold-storage people had to corner eggs, because the farmer can sell directly to the consumer. I will state what I know to be a fact, that during the winter and spring I bought every egg I used from a place distant 60 or 100 miles in Virginia. They came from the farmer, who sold them to me and sent them by parcel post, better known as the "Burleson Express," and I think it is giving a great relief along that line.

Mr. McKELLAR. I hope so, and I hope that as we put it further into operation it will be greater.

Mr. SIMS. At the present time the Post Office Department issues a sort of advertising sheet in which farmers all over the country may advertise what they have that can be shipped by parcel post, and you can buy half a dozen or a dozen eggs, and it does not require any middleman at all. That does not remove the purposes of the gentleman's bill, but it helps the matter.

Mr. McKELLAR. Yes; I think it helps. Somebody told me a few days ago, in discussing this matter, that cold storage was intended to provide that the products of a season of overproduction should be carried over to a season of scarcity, and that is true and very properly so. If it was used right it would be of great benefit to the public. I think my good friend from Missouri said, "Why, do you know if we did not have cold storage we would have to pay three or four times as much for eggs in the fall of the year, in times of scarcity, as we do now?"

The trouble with my friend's proposition is that we have the statistics of the prices of eggs from 1880 to 1890, and from 1890 to 1900, which we get from the Agricultural Department, and the average price was not much more than half what they were last fall, and they did not have cold storage for eggs in those years. Cold storage is largely a modern improvement. So far as beef and other products are concerned, it was used in the nineties for the first time, but it was not used for eggs until within the last 15 years.

Mr. PAIGE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. I will.

Mr. PAIGE of Massachusetts. I would like to ask the gentleman if he does not think the high cost of products outside of cold storage is caused in getting the products from the producer to the consumer?

Mr. McKELLAR. I think that is true. I think the middleman's profits are in a great many instances too large. That is one of the things my friend from Tennessee [Mr. SIMS] seems to think the parcel post is destined to correct to some extent.

Mr. BOOHER. Mr. Chairman, I understand my friend to take this position, that the cold-storage proposition is one of great benefit to the people of this country.

Mr. McKELLAR. Oh, the greatest possible; it can hardly be estimated.

Mr. BOOHER. Will the gentleman please tell the House how it can be of great benefit to the country on the question of eggs, if eggs are much higher ever since we have had cold storage? Why not abolish the cold storage, so far as eggs are concerned, and make them cheaper?

Mr. McKELLAR. I think the price of eggs is due to the abuses of cold storage, but not to the cold storage itself, and if the gentleman had investigated it along the same lines that these other gentlemen have investigated it from time to time and have testified to it he would be of the same opinion.

Mr. BOOHER. I understand the gentleman to argue that the cold-storage people are the middlemen.

Mr. McKELLAR. They are the middlemen; yes.

Mr. BOOHER. I would like the gentleman to explain how he can conclude that. The farmer, we will say, for instance, is the producer of eggs and meat.

Mr. McKELLAR. Yes.

Mr. BOOHER. He can not put them into cold storage, because he has not the facilities. The packer has the cold-storage plant.

Mr. McKELLAR. Yes.

Mr. BOOHER. How does the packer become the middleman? I am anxious to find out who the middleman is whom we are all abusing so much.

Mr. McKELLAR. I may be technically incorrect in calling the packer the middleman, but the packer who buys from the producer and holds the product in cold storage indefinitely or definitely, as suits his purpose best, in order to get the highest price for it, is the middleman. He is not the producer or the consumer, but he is the man through whose hands the product has to pass before it gets to the consumer, and that is my understanding of the middleman.

Mr. BOOHER. The consumer does not buy directly from the packer. He buys from the retail man.

Mr. McKELLAR. It used to be that way. As a matter of fact, under present conditions he buys directly from the packer, and for this reason: There is not a butcher in any city in the country who sells packing-house products who does not sell at a price for those products fixed, not by the butcher himself but by the agents of the packing-house companies. That is why I say the consumer buys not from the retail grocery merchant, but from the packer, because he buys from the man who fixes the price.

Mr. BOOHER. Let us follow that out. We will say that the man who has a meat market in a small town buys his dressed meat from the packer.

Mr. McKELLAR. That is right.

Mr. BOOHER. He puts it on his block and sells it to his customers.

Mr. McKELLAR. Yes.

Mr. BOOHER. Which one of those people who have handled this meat is the middleman?

Mr. McKELLAR. Both.

Mr. BOOHER. The gentleman is in favor of wiping both of them out?

Mr. McKELLAR. Not at all. What I believe in is regulating the packer who is using the cold storage to the detriment of the whole people, and letting the law of supply and demand affect the retail merchant. My sister, who keeps house for me, stated to me on a particular week that beef had gone up 2 cents a pound, and she asked me if I would not ask the market man about it. I did; and he replied to me, "Mr. McKELLAR, I have nothing to do with it. The agent of the packing house directs what price I shall ask for the meat, and I can not handle his wares unless I demand of the public the price that he fixes." And you can ask any butcher in any city in this country, and he will tell you exactly the same thing if he tells you the truth.

Mr. BOOHER. In the town in which I live we have two meat markets, each one of which slaughters its own meats.

Mr. McKELLAR. That is an entirely different proposition. This bill is not aimed at that.

Mr. BOOHER. If they sell their meat at exactly the same price that butchers in other towns sell meat, the price of which

is fixed by the packer, who, then, fixes the price that the butcher in my town sells at?

Mr. McKELLAR. Of course, it is fixed by the packer.

Mr. BOOHER. Where a man butchers his own stock?

Mr. McKELLAR. Of course it is fixed by the packer. It is as plain as the nose on a man's face. The packer in a neighboring town, or perhaps in the gentleman's own town, fixes the price, and this man who slaughters his own meat is going to demand the same price for his meat, of course. Why should he not have the advantage of the higher price?

Mr. BOOHER. When you get down to the question of what these things are sold for, is it not really the ability of the man who buys to pay and the cupidity of the man who sells it?

Mr. McKELLAR. That is another way of expressing the law of supply and demand; but if it has not an effect on the price demanded by the packer, then I want to ask the gentleman a question. Would he defend a proposition whereby the packers of this country farm out the territory in which they buy their products, and then have their agents scattered all throughout the country to fix the price at which the consuming public shall take the product? Does the gentleman defend that system?

Mr. BOOHER. No; and if that is the case, there ought to be a law making it a crime to practice it, and the guilty party should be punished.

Mr. McKELLAR. I agree with the gentleman heartily, and I want to say this: That if that is not the case, will the gentleman oppose a bill the effect of which is to investigate that very proposition?

Mr. BOOHER. I have not said that I was opposed to the gentleman's bill. I have been trying to find out who the gentleman is going to have for the middleman, and when the gentleman said he was a packer I thought we had got him, but I never could think that the packer was the middleman. I do not agree with the gentleman upon that.

Mr. McKELLAR. If you pass this bill for governmental inspection of foods that go into cold storage and governmental regulation of foods while they are in cold storage, you are going to put your finger on the place where the hurt comes.

Mr. BOOHER. I want to say to the gentleman that I will go as far toward the regulation of cold storage, probably, as any Member of the House, because I think it ought to be regulated.

Mr. McKELLAR. I thank the gentleman, and I appreciate his help.

Mr. BOOHER. But I would like to locate the middleman, if we can find him.

Mr. McKELLAR. That is what is proposed to be done under the terms of this bill.

Mr. GOOD. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. GOOD. Does the gentleman's bill fix a time limit within which the foodstuffs may be retained in cold storage?

Mr. McKELLAR. Not all foodstuffs. As I said, I think, before the gentleman came in, there are between 200 and 300 foodstuffs that go into cold storage. Now, this regulates only the leading foodstuffs, and fixes the time, of course.

Mr. GOOD. The reason I am inquiring is this: I received a number of letters some time ago from some apple growers, complaining in regard to the provisions of some bill—I am not sure it is the gentleman's bill—claiming that if it were passed it would allow a good deal of this fruit to go to waste, because the stuff would be taken out of cold storage before it could be used.

Mr. McKELLAR. This bill does not refer to fruits, for the reason that my idea was that we had better fight for some single line altogether, so that if this Congress would pass a law regulating cold storage of the necessities of life it is not going to pass a law regulating those things that are not necessities of life; so that the purpose of the bill is to regulate, first, at any rate, the necessities of life, and fruit is not considered a necessity of life in this bill.

Mr. GOOD. Will the gentleman yield for another question?

Mr. McKELLAR. Certainly.

Mr. GOOD. As I understand, the bill only applies to those articles that are placed in cold storage.

Mr. McKELLAR. It only applies to articles placed in cold storage, and I will give the gentleman what they are if he would like to hear them: Beef, and the period for which it is to be held is seven months; veal, and products thereof, two months; pork, four months; sheep or goats, four months; lambs or kids, three months; poultry, game, three months; fish, two months; and eggs, a variable arrangement required by necessity of the case, from three to seven months. Those are the principal foodstuffs, as the gentleman can see for himself. Now, I do not think the American public ought to be required—and, by the way, Dr. Pennington, a lady who is one of the best posted chemists on cold-storage matters in this country (she is connected with the Department of Agriculture), says that most of the poultry which is used in this country is from 1 to 2 years old. Did you ever see the little dark pieces in the poultry that you eat that you buy at an ordinary hotel and for which you pay 75 cents for half a chicken? If you look at it you may find a dark place on it. That chicken probably was put in cold storage, and improperly put in cold storage, about two years ago. The average time, so far as we can tell, because, mind you, there is a dearth of information about it, but, so far as we can tell, poultry is kept in cold storage about 15 to 18 months before it is consumed in this country and manifestly—and, by the way, I want to say this to you, gentlemen, that the poultry we eat that is put in cold storage is undrawn. Of course, gentlemen understand what that means. The chicken is put in there with his feathers on just like the chicken was when his neck was cut off, and very frequently the blood is still in its veins, and we eat that kind of chicken when we go to a first-class hotel and pay 75 cents for a half a chicken that was killed about two years ago.

Now, gentlemen may say that is all right. I believe that some men say that cold storage helps that condition. The next time you eat a piece of chicken—because I want to bring this home to you if I can; I want to pass this bill, because I believe it will do more for the relief of the American public and the consumers of this country than any other bill that can be passed—you look at the chicken you eat, and if you have good nostrils smell it a little, and you will find evidence of its just being dropped in by the hogshead. They have these big hogsheads about that high, and they drop them in, the undrawn chickens, feathers and all, and they leave the heads on them——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKELLAR. I really feel I am imposing upon the committee, but let me finish this point and I will yield to both of my friends over here who have indicated that they have questions. They leave the heads on the chickens for a purpose. They are taken out of cold storage, the feathers are taken off, or, rather the chickens are drawn and the feathers are taken off—I do not know which first, but I presume it is feathers first—and then they are not allowed to thaw in the air, as they ought to be, which would make them very much better, according to Dr. Pennington and Dr. Wiley, but they thaw them in warm water. I do not know whether you gentlemen are going to eat any more chickens or not after hearing this story. When they thaw them they thaw them in warm water, so that it will fill the skin out and make them look like freshly killed chickens, but for fear they will not have that appearance they leave the heads on them. For that reason they are not bled properly, and in order to bleed a chicken properly the head ought to be cut off properly. They leave the heads on them in order to give them the appearance of a freshly killed chicken, and the housewife—your wife—goes to the market in the morning and she asks for a fresh chicken and finds this kind of a cold-storage chicken, one with the head on, and they say that is a fresh chicken when it may have been in cold storage from two and a half to three years, and I understand they can keep them in cold storage sometimes for four years.

Now, I want to yield to my friends over here. I beg your pardon for not having yielded before.

Mr. GOOD. Obviously there should be some Government regulation to prevent food of this kind being kept in cold storage beyond the period when it is suitable for food. What I want to ask the gentleman is this: I understand that on bacon, ham, salted meats, lard, and things of that kind that are not kept in cold storage, the price has been going up more rapidly, or as rapidly, as the price of fresh meat, and I wondered, if cold storage is accountable for the rise in the price of fresh meats, then how will you regulate the price in regard to cured meats?

Mr. McKELLAR. If anybody has told the gentleman that hams and lard, and every other article that he has mentioned, do not go into cold storage, they have misinformed him. They all go into cold storage.

Mr. GOOD. The gentleman is mistaken. I have cured hams myself.

Mr. McKELLAR. Personally, yes; and you have killed chickens, too, and they did not go into cold storage. But the gentleman is not a packer.

Mr. GOOD. The gentleman knows that there is hardly a farmer in this country but that kills his hogs in the fall, salts

down his pork, and in the spring he will smoke the ham in such a way that it is cured so that it will keep as the best kind of food for a number of months without going into cold storage.

Mr. McKELLAR. I will say to the gentleman that I have been a farmer myself, and have killed hogs and cured hams, and likewise killed chickens by wringing their necks and letting them bleed, and I know all about it. But we are not talking of that kind of products. What we are talking about, and what this bill is made to regulate, is the 99½ per cent of hams and sausages and beef and fresh meat of every kind, and fish, eggs, and poultry, that come in from the farm, but through the packing houses.

Mr. SLOAN. I would like to ask the gentleman from Tennessee whether the primary purpose of his bill is to protect the public as to obtaining pure foods, or is it to control the price of the product?

Mr. McKELLAR. Both, of course, but in a modified sense as to price fixing. It is absolutely its purpose to bring about purity of foodstuffs and it will be one of the best pure-food laws that was ever passed in this country, I believe, and the only one that will be effective. And I will say to him about the price, that it does not control the price, but it will have a mighty effect upon reducing the price that is now asked by these monopolies.

Mr. SLOAN. Then your professed purpose is the matter of health?

Mr. McKELLAR. Well, it affects the public in two ways: First, in the matter of health. I say health, but some people eat rotten meats and are healthy, but it is certainly not a tasty thing to do. And this will be for their comfort and health.

Mr. SLOAN. Now, then, following that, you heard the discussion of Dr. Pennington before the Agricultural Committee?

Mr. McKELLAR. I not only heard it, but I talked with her and know what she thinks, and I believe that she is one of the most accomplished experts in this country.

Mr. SLOAN. Let me ask this: Is it not true that in the discussion of those matters she stated in substance that if these products, beef, poultry, and eggs, were properly prepared and properly placed in cold storage, the average period in which they would be good and pure would be at least twice the period that you have here in your schedule?

Mr. McKELLAR. No. I do not think she fixed any period. She held that eggs could be kept for a period of six months. Dr. Harvey Wiley says that if they are properly stored eggs can be kept three months, and if the farmer comes in and buys them from the cold storage within the period of three months and takes them out and sends them back as fresh eggs, nobody can tell the difference. But after three months the difference can be told.

Mr. SELDOMRIDGE. I would like to ask my friend if the pure-food laws of the District of Columbia will permit a dealer to keep for sale poultry that has been in cold storage 18 months, with head and feathers on, and in an undrawn condition?

Mr. McKELLAR. The gentleman has asked me a question that I can not answer with certainty, but I do not think the pure-food law applies to that particular phase here. I would be glad to have the gentleman enlighten us.

Mr. SELDOMRIDGE. I have not investigated this subject to the same degree that the gentleman has, but it is my impression that food supplies of the cities in the country are examined and supervised by inspectors, and nothing is offered for sale that does not come up to a certain standard.

Mr. McKELLAR. I will say that in theory the gentleman may be correct about the local inspection, but if he will go around with a local inspector and examine the local places he will find the point is not carefully guarded.

Mr. BOOHER. Will the gentleman state again the maximum length of time eggs can be kept according to his bill?

Mr. McKELLAR. To meet a particular season and a particular difficulty, the wording of my bill is this, which I think will meet the approval of the gentleman from Missouri:

> Eggs held in cold storage not less than three months or more than seven months may not be classed as adulterated if they are, upon inspection, at the end of the three-months period sound and wholesome and are stamped or labeled as follows: "Second period cold-storage eggs," such stamp or label to be on each container from which said eggs are sold, and shall be in plain view of the purchaser, or, on demand, produced for inspection by the purchaser.

I will say to the gentleman in explanation of that, that eggs are different from beef. We have a period of superabundance and a period of scarcity. The period of great abundance is in the months of April, May, and June, as the gentleman knows. In February, March, July, August, September, and part of October the consumption about offsets the production, but in the months of April, May, and June the production largely exceeds the consumption. Now, the purpose of the bill is to allow these eggs to be carried over from the period of excess to the period of scarcity—in November, December, and part of January.

But, in doing it, it is the purpose of the bill to let the consuming public in the period of scarcity know exactly what they are buying, and not permit the dealer or middleman to palm off cold-storage products for fresh products.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BOOHER. Mr. Chairman, I want the gentleman to have two minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] asks unanimous consent that the gentleman from Tennessee may have two minutes more. Is there objection?

There was no objection.

Mr. BOOHER. I want to ask just a short question.

Mr. McKELLAR. I thank the gentleman.

Mr. BOOHER. The experts all agree, I believe, that an egg can be kept with perfect safety for three months?

Mr. McKELLAR. Dr. Wiley says so, and Dr. Pennington says so, and a number of other experts agree. I think they are right, provided the egg is perfect when put into cold storage.

Mr. BOOHER. Yes. Do you not think it wrong in your bill to take the chances of keeping the egg seven months?

Mr. McKELLAR. Well, these same experts now say that for many purposes eggs held the additional four months can be used.

Mr. BOOHER. Then I think the gentleman's bill should set out specifically the purpose for which that stale egg could be used.

Mr. McKELLAR. It is a proper article of food within that period; that is, if properly kept. But the bill provides, as the gentleman will notice from the reading of it, that the consumer shall know exactly what he is getting, and the seller is obliged to tell him.

Mr. BOOHER. He knows he is getting the second period of storage eggs, and he does not know whether it is a good egg or a bad egg until he buys it and breaks it.

Mr. McKELLAR. That is so.

Mr. BOOHER. Why let the consumer take the chances on it? I think it ought not to remain in cold storage longer than it is wholesome.

Mr. McKELLAR. Mr. Chairman and gentlemen, I thank you for your kind attention, and I want to ask the Members of the House to join me in pressing this bill. It is now before the Committee on Interstate and Foreign Commerce, and because of the administration antitrust bills I mentioned a while ago it has been delayed. I hope the Members of the House who are interested in this question—and we all ought to be interested in it—will aid me in pressing it before the committee and before the House, so that the American people can be benefited by the enactment of its provisions. I thank you, gentlemen. [Applause.]

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the gentleman having the bill in charge whether we can not come to an understanding as to the disposal of time. It is a very oppressive day, and there are several gentlemen who are desirous of discussing this bill, but owing to the oppressive heat they have been obliged to leave the Chamber.

Mr. BARNHART. Mr. Chairman, I would like to inquire of the gentleman from Wisconsin how much time has been spoken for. The gentleman from New York [Mr. FITZGERALD] has asked me for an hour, and my colleague on the committee, Mr. KIESS of Pennsylvania, has asked for 15 minutes. How much does the gentleman from Wisconsin desire?

Mr. STAFFORD. I think I could readily conclude in half an hour or three-quarters of an hour.

Mr. BARNHART. I think it would be well to reserve 15 minutes for the committee. If the gentleman will agree to close debate in 2 hours when we meet next Wednesday, I would be willing. Can we do that?

Mr. STAFFORD. We can not do that in committee.

The CHAIRMAN. Does the gentleman present a request for unanimous consent?

Mr. BARNHART. Yes. I ask unanimous consent, Mr. Chairman, that the general debate close at the end of two hours after we resume the consideration of the bill on next Wednesday.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that when this bill is taken up on next Calendar Wednesday general debate may be closed in two hours thereafter.

Mr. NORTON. Mr. Chairman, I rise to a parliamentary question. Can we fix the time for debate in the Committee of the Whole?

The CHAIRMAN. Yes; by unanimous consent. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, a few days ago the House passed Senate bill 4628, being an act extending the period of payment under reclamation projects, which bill was signed by the President and became a law on the 13th instant. During the consideration of the measure in the House a very determined effort was made to amend the first section so as to require the payment of interest on the deferred payments, the claim being made that to not require payment of interest was unfair and unjust, because it favored a class, and that so long as farmers under reclamation projects were not required to pay interest it could not be justified withholding money of the Government for loaning to farmers generally in the country. I observed that those who insisted upon the amendment providing for the payment of interest and those who supported them came largely from the Eastern and Middle States, and for their benefit I want to bring to the attention of the House the fact that the States represented by these Members received from the Treasury of the United States nearly $30,000,000, and that same was paid to them during the years 1836, 1837, and 1838, and that no part of the amount has ever been repaid into the Treasury, and no interest has been paid thereon. I would suggest to these gentlemen that it might be desirable to introduce a measure requiring the States having a portion of the fund to return it to the Treasury, which would be especially desirable just at this time, when our revenues are depleted and when we are seeking to provide the necessary funds to maintain the Government. These gentlemen seem to overlook the distinction between the proceeds received from the sale of public lands and revenue derived from taxation and other sources upon which we depend for the money necessary to meet the general expenses of the Government. The theory of the reclamation act is that it is not only within the power of Congress, but is in the interest of the development of the country as a whole, to treat the moneys received from the sale of public lands as a trust fund and to expend the same in developing and reclaiming the arid lands of the West, thereby making available homes for the homeless and adding to the wealth and general welfare of the Nation. This was the theory upon which the beneficent homestead law was enacted many years ago.

I imagine if the gentlemen who so earnestly insisted upon interest being charged in connection with deferred payments in reclamation projects had been Members of Congress when the homested act was considered they would have taken the position that was taken by some Members at that time—that it was unconstitutional to dispose of the public domain by giving it away; that if it was not unconstitutional it was unequal and unjust, because it was confined to one class of our people; or that it would injure the East by encouraging emigration to the West; and that, furthermore, to give away the land would deprive the old States of their just proportion of the proceeds that might be derived if the lands were to be sold for what might be gotten for them. They would not appreciate that there was any advantage to the Eastern States by the development of the West, because they seem to assume that the benefits of the reclamation law are limited to the immediate localities where the projects are located. Where would the city of Chicago be to-day if it had not been for the homestead act? Our very distinguished friends upon this floor from that great city, who advocated the interest proposition in connection with the reclamation act, do not seem to realize that their city has been built up by the development of the West, and its prosperity and future growth depends upon the further development and prosperity of that great region.

In 1860 Congress passed the first bill proposing to provide homesteads on the public domain, and on June 22 of that year President Buchanan vetoed the measure; and for the benefit of our reactionary friends who are unable to see any benefit to the whole country from the reclamation act, and to show to the House that they represent to some extent the position taken by President Buchanan when he vetoed the homestead bill, I want to quote from his message the following:

> It would require clear and strong evidence to induce the belief that the framers of the Constitution, after having limited the powers of Congress to certain precise and specific objects, intended by employing the words "dispose of" to give that body unlimited power over the vast public domain. It would be a strange anomaly indeed to have created two funds—the one by taxation, confined to the execution of the enumerated powers delegated to Congress, and the other from the public lands, applicable to all subjects, foreign and domestic, which Congress might designate; that this fund should be "disposed of," not to pay the debts of the United States, nor "to raise and support armies," nor "to provide and maintain a navy," nor to accomplish any one of the other great objects enumerated in the Constitution, but be diverted from them to pay the debts of the States, to educate their people, and to carry into effect any other measure of their domestic policy. This would be to confer upon Congress a vast and irresponsible authority utterly at war with the well-known jealousy of Federal power which prevailed at the formation of the Constitution. The natural intendment would be that as the Constitution confined Congress to well-defined specific powers, the funds placed at their command, whether in land or money, should be appropriated to the performance of the duties corresponding with these powers. If not, a Government has been created with all its other powers carefully limited, but without any limitation in respect to the public lands.
>
> * * * That it never was intended by the framers of the Constitution that these lands should be given away by Congress is manifest from the concluding portion of the same clause. By it Congress has power not only "to dispose of" the territory, but of the "other property of the United States."

In addition to his constitutional objections to the measure, among other reasons for his veto, he said:

> It will prove unequal and unjust in its operation, because from its nature it is confined to one class of our people.

He further said, commenting upon the giving away of the public lands, and I want to particularly bring this to the attention of those who are opposed to the reclamation act or to other measures that encourage the development of the West and the settlement of the unused and unoccupied public lands, because this expression represents apparently the sentiment of these gentlemen:

> But to give this common inheritance away would deprive the old States of their just proportion of this revenue without holding out the least corresponding advantage. Whilst it is our common glory that the new States have become so prosperous and populous, there is no good reason why the old States should offer premiums to their own citizens to emigrate from them to the West. That land of promise presents in itself sufficient allurements to our young and enterprising citizens without any adventitious aid. The offer of free farms would probably have a powerful effect in encouraging emigration, especially from States like Illinois, Tennessee, and Kentucky, to the west of the Mississippi, and could not fail to reduce the price of property within their limits.

I will not spend any time discussing the wisdom of the original reclamation act and the benefits that have resulted and will continue to result therefrom. The subject was very fully discussed during the consideration of the Senate bill extending the period of payments. I think it has been established that the original legislation was wise and its enactment has been beneficial. Possibly some of the details of the act might have been put in a form that would have better safeguarded the expenditure of the fund, but that is something that can easily be corrected. It is no argument, because some of the provisions of the act may be criticized, that the act itself should be condemned.

The matter of granting long time to the settlers who may undertake to acquire title to lands in reclamation projects is in no sense class legislation, it being merely to encourage the settlement and development of lands that otherwise might never be productive, and any person anywhere in the whole United States may avail himself, if he desires, of the advantages or benefits of the law, and therefore it can not be successfully asserted that it is legislation confined to a certain class and beneficial only to a locality.

The more producers there are in the West the better it is for the consumer of the East, first, because it will cheapen the cost of living and also provide additional markets for the manufactured products of the East.

It has always been the policy of our Government to encourage development, and millions of acres of valuable public lands were given as subsidies to railroads. Perhaps it would have been better if there had been more conservatism in this regard, but everyone recognizes that had it not been for this policy the present development of the West would not have obtained in this and possibly not in the next generation. We have in this Congress provided an appropriation for the construction of a railroad in far-off Alaska. The gentlemen who were opposed to the reclamation-extension act because it did not provide for the payment of interest on deferred payments, on the theory that it was class legislation, favored the appropriation for the Alaskan railroad, and yet it would seem that that is an expenditure of public funds more distinctively class in its character than the reclamation act.

I am in favor of any legislation or appropriation of public funds, within reasonable bounds, that will promote and encourage development and industry throughout the Nation, and I will go to the extreme in making it possible to further aid the people to make it easier for them to live and prosper, and I am not so narrow that I oppose measures simply because I may not see any direct benefit to my immediate constituency.

I do not wish to discredit Members of the House because of their opposition to any legislation, and I do not wish to be understood as questioning the good faith or the patriotism of those who opposed the passage of the reclamation-extension act by insisting that there should be no extension without the

payment of interest, because I think they acted conscientiously, and because they believed that in justice to all the people they ought to take that position.

In order that there may be no doubt about the statement that I have made with relation to the money held by the several States that was distributed from the Treasury many years ago, I wish to have read the following letter, with the list of States to which the fund was distributed, showing the amount each State received.

The letter and list is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, July 29, 1914.

Hon. CHARLES H. BURKE,
House of Representatives.

MY DEAR CONGRESSMAN: By direction of the Secretary and in reply to your communication of the 23d instant, relative to the distribution of the Treasury surplus to the several States under the act of 1836, I have to inform you that it is understood that your inquiry relates to the deposits by the Federal Government with the States which were directed to be made by the thirteenth section of the act approved June 23, 1836 (5 U. S. Stat., 55), entitled "An act to regulate the deposits of the public money," and provided "that the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers or other competent authorities to receive the same on the terms hereinafter specified." The terms were that the States receiving deposits should, through their treasurers or other competent authorities, sign certificates of deposits therefor in such form as might be prescribed by the Secretary of the Treasury, which would express the usual and legal obligations and pledge the faith of the State for the safe-keeping and repayment thereof, and should "pledge the faith of the States receiving the same to pay the said moneys and every part thereof from time to time whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the Public Treasury beyond the amount of the five millions aforesaid."

Under this legislation three installments were placed with the several States. Before the time for the making of the deposit of the fourth installment the condition of the Treasury was such that the Secretary withheld the fourth installment. Upon the meeting of Congress in September, 1837, the subject received immediate consideration, and on October 2, 1837, there was passed and approved "An act to postpone the fourth installment of deposits with the States." (5 U. S. Stat., p. 201.) This act contained the following proviso:

"*Provided*, That the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress."

Congress has never directed the return of the deposits, and the matter stands at this date as it was left by the act of October 2, 1837, no part of the moneys deposited with any of the States ever having been returned to the Treasury.

As authorized by the act of June 25, 1910 (36 Stat., 776), the accounting officers credited the general account of the Treasurer of the United States and charged the several States with the sums deposited under the act of June 23, 1836, as directed by the provision of the act of June 25, 1910, as follows:

"*Provided*, That the credit herein authorized to be given to the Treasurer of the United States shall in no wise affect or discharge the indebtedness of the several States to the United States as is provided in said act of Congress approved June 23, 1836, and shall be made in such manner as to debit the respective States chargeable therewith upon the books of the Treasury Department until otherwise directed by Congress."

A list of the States which received deposits and the amount received by each of the total deposits of $28,101,644.91 is inclosed herewith.

Respectfully,

WM. P. MALBURN, *Assistant Secretary.*

Maine	$955,838.25
New Hampshire	669,086.79
Vermont	669,086.79
Massachusetts	1,338,173.58
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
Pennsylvania	2,867,514.78
New Jersey	764,670.60
Ohio	2,007,260.34
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Delaware	286,751.49
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.09
Georgia	1,051,422.09
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Missouri	382,335.30
Arkansas	286,751.49
Total	28,101,644.91

Mr. STAFFORD. Mr. Chairman, I reserve the balance of my time to allow the gentleman from Indiana to move that the committee rise.

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. DONOHOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the ship-registry bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to extend his remarks on the shipping bill. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the immigration law.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD on the subject of immigration. Is there objection?

There was no objection.

Mr. CONNELLY of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11451, and agree to the Senate amendments.

The SPEAKER. When did that bill come over?

Mr. CONNELLY of Kansas. It came over yesterday.

Mr. STAFFORD. Reserving the right to object, I suggest to the gentleman that he can bring up his proposition in the morning.

Mr. CONNELLY of Kansas. Mr. Speaker, I withdraw the request.

The SPEAKER. The gentleman can call it up in the morning.

ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned until Thursday, August 20, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOSS of Indiana: A bill (H. R. 18440) to authorize the Secretary of Agriculture to license grain warehouses, and for other purposes; to the Committee on Agriculture.

By Mr. HOBSON: A bill (H. R. 18441) to encourage the development of the American merchant marine and to promote commerce and the national defense; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: A bill (H. R. 18442) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Joint resolution (H. J. Res. 324) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RUPLEY: Resolution (H. Res. 596) authorizing the Secretary of Commerce to investigate the present high cost of food; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Memorial of the Legislature of the State of Georgia, urging Congress to devise ways and means by which the cotton crop may be marketed economically and safely; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18443) granting an increase of pension to Lena Hirtzlin; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 18444) granting a pension to John W. Koch; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 18445) granting a pension to Mary Foote; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 18446) for the relief of John M. Dimmick; to the Committee on Claims.

By Mr. GORMAN: A bill (H. R. 18447) granting a pension to Stephen O'Connor; to the Committee on Pensions.

Also, a bill (H. R. 18448) granting an increase of pension to Preston M. Guild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18449) granting an increase of pension to W. W. Jackson; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18450) granting a pension to William F. Gorman; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 18451) granting an increase of pension to Susanna Rankin; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 18452) granting a pension to George J. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18453) granting an increase of pension to Abraham Mowery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18454) granting an increase of pension to Sarah Quest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18455) granting an increase of pension to Maggie L. Shoares; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 18456) for the relief of the legal representatives of George Tubb, sr.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATHRICK: Petition of 90 people of Colebrook, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Trumbull County, Ohio, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of the Federation of Federal Civil Service Employees of San Francisco, Cal., favoring House bill 11522, to increase pay of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of Symons Kraussman, of New York City, protesting against increasing tax on cigars; to the Committee on Ways and Means.

Also, petition of various members of the American Optical Association, favoring the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of Greater New York and vicinity, favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Central Federated Union of New York City, favoring passage of House bill 10735, for bureau of labor safety; to the Committee on Labor.

Also, petition of the Texas Co., protesting against certain features of bill for American registry of foreign-built ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the D. R. K. Staatsverbund, of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the National Association of Letter Carriers, protesting against amendment to House bill 17042, relative to requiring bond of assistant postmaster and other employees; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Petition of the Chamber of Commerce of the State of New York, relative to problems of shipments during the European war; to the Committee on Interstate and Foreign Commerce.

By Mr. DRUKKER: Petitions of sundry citizens of New Jersey regarding "absolute neutrality"; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Ward 24 Democratic Club, of Boston, and the American Association of Masters, Mates, and Pilots, protesting against certain features of bill for American registry of foreign-built ships; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petitions of sundry citizens of New York regarding "absolute neutrality"; to the Committee on Foreign Affairs.

By Mr. HULINGS: Petitions signed by 12 officers of the Woman's Home Missionary Society of the Methodist Episcopal Church of Greenville, Pa., remonstrating against the passage of Senate bill 5687 or House bill 16904, to bring railroad tracks opposite Sibley Hospital, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. MERRITT: Petition of Hiram C. Stimpson, William Bates, George H. Adkins, W. H. Shattuck, Arthur C. Beers, C. B. Loomis, Robert S. Hack, C. F. Warner, C. F. Thompson, William Bates, jr., F. E. Aubrey, P. E. Torrance, Charles W. Calkins, William Lamberton, J. C. Belden, Will Phillips, Gordon Myott, R. Harold Green, E. G. Wilson, O. P. Mason, O. C. Wilson, L. M. Adkins, O. C. Badgen, James A. Bartholomew, W. E. Bradford, S. F. Valentine, Alf Reed, R. C. Landon, Ernest C. Beers, William C. Thomas, Pell Lester, George H. Gibbard, Roy L. Lidgerwood, A. P. Richardson, William Potter, Armin K. Bolles, Le Roy Fleming, O. S. Benjamin, John Hennessy, William H. Cook, A. P. Bartholomew, R. E. Woodhull, C. R. Belt, William Mason, P. C. Bradford, John I. Carr, F. G. Thomas, Albert Hayford, William Hurlburt, F. E. Johnson, Alf Moore, Allen Hall, Archie Wright, Ralph N. Moore, John A. Moore, John S. Hall, Herbert Hall, J. A. Phillips, John W. H. Moore, Frank D. Rafferty, W. A. Petty, A. J. Petty, O. H. Johnson, J. E. Smith, Frank Cooper, James Rafferty, jr., R. J. Smith, George W. Johnson, H. A. Taylor, C. G. Burt, Walter W. Johnson, N. Gibbard, Howard Grimes, Harney Hogle, A. W. Roberts, H. J. Bell, C. A. Morhous, George Stevenson, R. V. Smith, Harold Hunter, Albert Hall, J. H. Oswander, A. J. Hentley, James Williams, H. N. Floyd, Milton C. Grinnell, R. C. Beers, Frank E. Grimes, F. H. Grimes, S. B. Moore, M. A. Dolbeck, J. S. Whittley, J. G. Hutchinson, John Gilbert, James P. Meehan, William A. Gale, Elmer R. West, M. J. Wilcox, C. E. Beers, Amos Y. French, B. J. Spearman, Westill J. Carr, C. H. Lazarus, C. G. Richardson, and Daniel Webster, all of Ticonderoga, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PROUTY: Petition by citizens of New Virginia and St. Charles, Iowa, asking for an adjustment of the polar contention; to the Committee on Naval Affairs.

By Mr. SAUNDERS: Petitions of sundry citizens of the State of Virginia, relative to the rural credit bill; to the Committee on Banking and Currency.

By Mr. SMITH of Idaho: Papers to accompany House bill 18277, to increase the pension of Lydia A. Lint; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: Petition of sundry citizens of Corning, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of the Woman's Home Missionary Society of Anderson, Ind., protesting against passage of House bill 16904, authorizing the laying of railroad tracks in square 673 in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *August 20, 1914.*

(Legislative day of Wednesday, August 19, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment of the Committee on the Judiciary.

The SECRETARY. In section 7, page 7, line 16, after the word "from," insert the word "lawfully," so as to read:

That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

Mr. SMOOT. Mr. President, I dislike very much to call for a quorum this morning, but I am quite sure the Senator from Texas [Mr. CULBERSON] having the bill in charge would not like to have the question passed on now, because it would come up again. For that reason, and that only, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Nelson	Smoot
Bankhead	Gallinger	Norris	Stone
Brady	Gronna	Overman	Swanson
Bryan	Jones	Owen	Thompson
Burton	Kenyon	Perkins	Thornton
Chamberlain	Kern	Pittman	Tillman
Chilton	Lane	Poindexter	Vardaman
Clapp	Lea, Tenn.	Ransdell	Walsh
Clark, Wyo.	McCumber	Reed	Weeks
Clarke, Ark.	Martin, Va.	Shafroth	White
Culberson	Martine, N. J.	Sheppard	Williams
Cummins	Myers	Simmons	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PAGE] is absent from the city on account of illness in his family.

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. JONES. The junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. I will let this announcement stand for the day.

I wish also to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.